

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641
March 5, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Pruitt:

We write today to follow up on the Committee's July 13, 2017 letter¹ regarding serious concerns of impartiality of current U.S. Environmental Protection Agency (EPA) political appointees and to request additional information regarding appointees engaged in outside activity for compensation.

On January 25, 2018, over six months after the Committee's July request, EPA provided a partial response that included federal records indicating that several current EPA political appointees have received approval from EPA's Alternate Designated Agency Ethics Official to engage in outside activity for compensation.² However, key information is redacted, leaving many vital questions unanswered.

The documents provided by EPA indicate that EPA's Deputy Associate Administrator for the Office of Public Affairs, John Konkus, is one of these appointees. On August 1, 2017, EPA's Alternate Designated Agency Ethics Official approved Mr. Konkus' request to provide

¹ Letter from Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, to The Honorable Scott Pruitt, Administrator, U.S. Environmental Protection Agency (July 13, 2017).

² Letter from Kevin Minoli, Designated Agency Ethics Official and Principal Deputy General Counsel, U.S. Environmental Protection Agency to Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce (Jan. 25, 2018).

“consultative media advice” to likely clients whose names are redacted from the document.³ The document also states that Mr. Konkus “anticipate[s] getting more clients in the next six months.”⁴ Mr. Konkus previously served as an executive vice president at Jamestown Associates, a Republican political consulting firm that lists on its website services such as campaign advertisement production, direct mail, and media buying.⁵ “Donald Trump for President, Inc.” appears to be one of the firm’s premiere clients.⁶

On September 8, 2017, members of the Committee wrote you with concerns regarding politicization of the Agency’s grants process and your decision to place Mr. Konkus in charge of vetting hundreds of millions of dollars in grants EPA awards each year.⁷ Mr. Konkus has reportedly cancelled nearly \$2 million in competitively awarded grants to universities and nonprofit organizations.⁸ He also has reportedly told career officials “the American people have major concerns with newspapers and the media” when explaining the Agency’s recent decision to cut funding for the *Bay Journal*.⁹

A political appointee cutting millions of dollars in funding to EPA grant recipients on what appears to be a politically motivated basis, while at the same time being authorized to serve as a paid media consultant to unnamed outside clients, raises serious concerns of potential conflicts of interest.

Federal records further indicate that on February 3, 2017, EPA’s Alternate Designated Agency Ethics Official approved another current EPA political appointee, Patrick Davis, to engage in outside activity for compensation as the sales director for Telephone Town Hall

³ Memorandum from Justina Fugh, Alternate Designated Ethics Official, U.S. Environmental Protection Agency to John Konkus, Deputy Associate Administrator for Public Affairs, U.S. Environmental Protection Agency (Aug. 1, 2017).

⁴ *Id.*

⁵ Jamestown Associates, Services (www.jamestownassociates.com/services/).

⁶ Open Secrets, Jamestown Assoc. (<https://www.opensecrets.org/expends/vendor.php?year=2018&vendor=Jamestown+Assoc>) and (<https://www.opensecrets.org/expends/vendor.php?year=2016&vendor=Jamestown+Assoc>) (accessed Feb. 16, 2018).

⁷ Letter from Rep. Frank Pallone, Jr., Rep. Kathy Castor, Rep. Diana DeGette, and Rep. Paul Tonko to The Honorable Scott Pruitt, Administrator, U.S. Environmental Protection Agency (Sept. 8, 2017).

⁸ *EPA now requires political aide's sign-off for agency awards, grant applications*, The Washington Post (Sept. 4, 2017).

⁹ *Politics killed newspaper grant – ex-Bay Program chief*, E&E News (Jan. 4, 2018); EPA reportedly agreed to restore funding for the *Bay Journal* following pressure from Democratic members of Congress, *Under pressure from Senate Democrats, EPA restores funding for the Bay Journal*, Washington Post (Mar. 1, 2018).

Meeting.¹⁰ The company's website lists services such as robocalls¹¹ and "live calls to a target audience to accomplish your specific outreach goals"¹² for association and advocacy organizations, campaigns and legislators, emergency management, health care industry, and municipalities and schools.¹³ The approval document further indicates that Mr. Davis was affirmatively permitted to "solicit prospective clients" on his own time.¹⁴ Mr. Davis is a Republican political consultant whose firm, Patrick Davis Consulting, LLC, is based in Colorado Springs, Colorado.¹⁵ Mr. Davis currently serves as a senior advisor for public engagement to the Regional Administrator in EPA's Denver office.¹⁶

Mr. Davis' simultaneous roles as an EPA senior advisor for public engagement and a sales director for Telephone Town Hall Meeting serve to create possible confusion among stakeholders and raises further concerns of potential conflicts of interest.

We believe it is critical that EPA political appointees serve the public trust above private gain and in an unbiased and impartial manner. We therefore request the following, no later than March 19, 2018:

- 1) Please provide a list of all EPA political appointees, including individuals occupying Administratively Determined appointments, who have received approval to engage in outside activity for compensation. Include all individuals who served as EPA appointees during the time-period of January 20, 2017 to present, including the appointee name, EPA title and office, name of the outside organization(s) or companies providing compensation, and nature of work authorized.
- 2) Where EPA has granted an appointee approval, please provide a non-redacted copy of the memorandum of approval authorizing any outside activity. Please also include

¹⁰ Memorandum from Justina Fugh, Alternate Designated Ethics Official, U.S. Environmental Protection Agency to Patrick Davis, Special Assistant, Office of the Administrator (Feb. 3, 2017).

¹¹ Telephone Town Hall Meeting, Robocalls (www.telephonetownhallmeeting.com/robocalls/) (accessed Jan. 31, 2017).

¹² Telephone Town Hall Meeting, Live Call Center Outreach (www.telephonetownhallmeeting.com/live-calls/).

¹³ Telephone Town Hall Meeting, Mobile Phone Outreach (www.telephonetownhallmeeting.com/mobile-outreach/).

¹⁴ Memorandum from Justina Fugh, Alternate Designated Ethics Official, U.S. Environmental Protection Agency to Patrick Davis, Special Assistant, Office of the Administrator (Feb. 3, 2017).

¹⁵ *Trump campaign aide lands at Denver office*, E&E News (Feb. 6, 2018).

¹⁶ *Id.*

The Honorable Scott Pruitt
March 5, 2018
Page 4

any subsequent approvals issued, including approvals reflecting a change in the nature or scope of outside activities or any new clients.

- 3) Where EPA has authorized an appointee to conduct outside activity, please provide a non-redacted list naming and describing each authorized client.

We also request that you provide us all subsequent approvals for outside activity for compensation within seven days of their issuance.

We appreciate your prompt attention to this matter. If you have questions, please contact Jon Monger or Caitlin Haberman of the Democratic Committee staff at (202) 225-3641.

Sincerely,



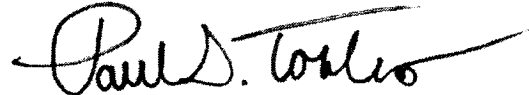
Frank Pallone, Jr.
Ranking Member



Diana DeGette
Ranking Member
Subcommittee on Oversight
and Investigations



Kathy Castor
Vice Ranking Member
Committee on Energy and Commerce



Paul D. Tonko
Ranking Member
Subcommittee on Environment

Cc: The Honorable Greg Walden, Chairman
The Honorable Gregg Harper, Chairman, Subcommittee on Oversight and Investigations
The Honorable Joe Barton, Vice Chairman
The Honorable John Shimkus, Chairman, Subcommittee on Environment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUN 20 2018

OFFICE OF
GENERAL COUNSEL

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Pallone:

Thank you for your letter of March 5, 2018, to Administrator E. Scott Pruitt, regarding the outside activity approvals granted to John Konkus and Patrick Davis. As the Designated Agency Ethics Official (DAEO) for the United States Environmental Protection Agency (EPA), I am writing on behalf of the Administrator. Other than John Konkus and Patrick Davis, no current appointees has been approved for compensated outside activity.

Upon entering federal service, these two appointees received new employee ethics training as required by 5 C.F.R. § 2638.304. My staff advised them that, if they wanted to engage in any outside activity, compensated or otherwise, they would need to seek approval of that activity from the EPA's Ethics Office.

Nothing in the federal ethics regulations prohibit employees outright from compensated or uncompensated outside employment or activities. Rather, the federal ethics regulations remind employees that they may need to seek approval from an ethics official in advance (*see* 5 C.F.R. § 2635.803) and that they cannot be approved for any outside activity that directly conflicts with their official duties (*see* 5 C.F.R. § 2635.802).

For their parts, these two appointees appropriately sought approval of their outside activity in advance as required by 5 C.F.R. § 2635.803 and 5 C.F.R. § 6401.103. As stated clearly in the approvals, they were reminded, *inter alia*, that they cannot use EPA equipment, time or resources in furtherance of any compensated outside activity and should refrain from using such resources even in connection with uncompensated outside activity. They were advised that, as federal employees, they are subject to the representational conflict of interest statutes at 18 U.S.C. §§ 203 and 205. The EPA Ethics Office has no reason to believe that any of these individuals failed to abide by the outside activity ethics advice they received.

With respect to Mr. Konkus, please find enclosed a copy of the unredacted approval you sought. Even though Mr. Konkus sought prior approval as required, in fact, he did not perform any services for the outside firm at all during calendar year 2017. Moreover, he has rescinded his request for future outside activity.

Thank you for your letter. If you have further questions, please contact me, or your staff may contact Kristien Knapp in the Office of Congressional and Intergovernmental Relations at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "K S Minoli".

Kevin S. Minoli
Designated Agency Ethics Official
and Principal Deputy General Counsel

Enclosure

cc: The Honorable Greg Walden
Chairman

Congress of the United States

Washington, DC 20510

March 8, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Pruitt:

We're writing to update you on recent actions regarding Florida's proposal to set new human health criteria standards for toxic chemicals and to request your agency's continued engagement and oversight of this serious public health proposal.

In 2016, the Florida Department of Environmental Protection (DEP) initiated rulemaking to set human health criteria standards for 82 chemicals. These standards, which were last updated in 1992, determine the amount of a chemical allowed in surface water that is still considered safe.

We wrote to the Environmental Protection Agency (EPA) to express concern that DEP's proposal did not adequately consider potential health impacts, especially for vulnerable populations like children and the elderly.

Recently, DEP announced plans to revise the controversial proposal, which is currently in the midst of legal challenges.

We sought EPA's engagement as this process unfolded in 2016, since the chemical standards will ultimately require EPA approval. In addition to monitoring the state's use of inadequate standards and questionable methodology, we urge you to ensure there is sufficient transparency and opportunity for public engagement.

Lastly, we hope the new proposal better reflects science, including fish consumption levels for the Seminole and Miccosukee Tribes, among others.

In a state rich with beautiful waterways and abundant seafood, it is imperative that Florida get these standards right. We appreciate your attention to this important public health issue.

Sincerely,



Bill Nelson
United States Senator



Ted Deutch
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 22 2018

The Honorable Ted Deutch
House of Representatives
Washington, D.C. 20515

Dear Congressman Deutch:

Thank you for your March 8, 2018, letter to Scott Pruitt, Administrator of the U.S. Environmental Protection Agency, concerning the Florida Department of Environmental Protection's (FDEP) proposal to set new human health criteria standards for toxic chemicals. In your letter you requested the EPA's continued engagement and oversight of Florida's proposed standards. Your letter was forwarded to our Region 4 office in Atlanta, Georgia, for a response.

We are aware of FDEP's decision to withdraw and develop revised human health criteria. One issue raised in the challenges to the state's previous proposal was whether it was based on appropriate fish consumption information. FDEP will conduct a fish consumption survey that will provide the information needed to derive more up-to-date and Florida-specific criteria. We understand that FDEP has offered to collaborate with the Seminole Tribe of Florida and the Miccosukee Tribe of Indians on the study. Also, in advance of proposing the criteria, FDEP has committed to conducting public workshops throughout the state. The workshops will be scheduled well in advance of final rule adoption to allow adequate time for public comment on the proposal, and for FDEP to update the criteria.

EPA has provided support to FDEP through review and comment on the technical and scientific basis of their proposed human health criteria, as well as providing staff to serve on an FDEP expert review panel. We will continue to provide technical support to FDEP and the Tribes as the new criteria move forward.

We are committed to working with FDEP on their adoption of updated water quality standards that protect human health, and will ensure that the adoption process adheres to the Federal regulations for rulemaking and public involvement. For more information on Florida's efforts to develop human health criteria standards or the fish consumption study, you may contact Thomas Frick, Director of FDEP's Division of Environmental Assessment and Restoration at (850) 245-7518.

If you have questions or need additional information from the EPA, please contact me or Allison Wise, in the Region 4 Office of Government Relations, at (404) 562-8327.

Sincerely,

A handwritten signature in black ink, appearing to read "Onis 'Trey' Glenn, III".

Onis "Trey" Glenn, III
Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 22 2018

The Honorable Bill Nelson
United States Senate
Washington, D.C. 20510

Dear Senator Nelson:

Thank you for your March 8, 2018, letter to Scott Pruitt, Administrator of the U.S. Environmental Protection Agency, concerning the Florida Department of Environmental Protection's (FDEP) proposal to set new human health criteria standards for toxic chemicals. In your letter you requested the EPA's continued engagement and oversight of Florida's proposed standards. Your letter was forwarded to our Region 4 office in Atlanta, Georgia, for a response.

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Sincerely,

A handwritten signature in blue ink, appearing to read "Onis 'Trey' Glenn, III".

Onis "Trey" Glenn, III
Regional Administrator

United States Senate

WASHINGTON, DC 20510

March 14, 2018

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

We write to express our deep concern over the reversal of the Environmental Protection Agency's (EPA) longstanding policy under Section 112 of the Clean Air Act to continuously regulate hazardous air pollution from major industrial sources. Revoking the "once in, always in" policy will lead to greater levels of arsenic, lead, mercury, and almost two hundred other air toxic pollutants in communities around the United States. The policy's revocation is not based on sound legal reasoning. We therefore request that you reinstate the "once in, always in" policy at least until EPA has performed, and received public comment on, a thorough analysis of the expected increases in air toxic pollution and its corresponding impacts on human health. In a recent hearing before the Senate Environment and Public Works Committee, you acknowledged the agency failed to do such analysis before making its ill-advised decision.

In the Clean Air Act Amendments of 1990, Congress dramatically changed the way EPA regulated national air toxic emissions in this country. In 1990, Congress amended Section 112 of the Clean Air Act to require EPA to implement technology-based standards for the nation's largest sources of the most hazardous air pollutants known to cause cancer and other serious health effects. In setting these standards, known as maximum available control technology (MACT) standards, EPA must ensure the emission limits achieve the "maximum degree of reduction in emissions" based on existing technology and practices used by the best performers in industry. Every eight years, EPA must review MACT standards to determine if they protect health and welfare. The law also sets emission thresholds to distinguish between major and minor (called area) sources and allows the EPA Administrator to set less-stringent or no standards for area sources.

As the agency started to implement the Clean Air Act Amendments of 1990, EPA recognized there would be circumstances when the MACT standards Congress envisioned would reduce air toxic emissions lower than the major source threshold emission limits. According to EPA, this would mean "without a once in, always in policy, these (major) facilities could 'backslide' from MACT control levels" and "[T]hus, the maximum achievable emissions reductions that Congress mandated for major sources would not be achieved."¹ That's why, in 1995, EPA established a

¹ <https://www.epa.gov/sites/production/files/2015-08/documents/pteguid.pdf>

"once-in, always-in" policy stating that once a facility is required to comply with major source MACT standards, that facility would always remain subject to those standards. As EPA explained at the time, this interpretation "follows most naturally from the language and structure" of the Clean Air Act.

Today, through the air toxics MACT program, there are 187 hazardous air pollutants being reduced from more than 174 categories of major industrial sources — including coal-fired power plants, lead smelters and industrial boilers. In many circumstances, the EPA Administrator has decided not to include a standard for area sources. This means the "once in, always in" policy has served as a critical backstop for 23 years to ensure air toxic reductions from our largest sources are permanent, as Congress mandated in 1990. According to a 2017 EPA fact sheet, the air toxics MACT program with the "once in, always in" policy has resulted in the elimination of 1.7 million tons of hazardous air pollution.²

On January 25, 2018, EPA's Office of Air and Radiation issued new guidance that revoked the "once in, always in" policy for major sources, based on a purported "plain language reading" which is inaccurate, ignores the broader statutory framework, and likely to lead to absurd results. Instead of requiring major sources to meet the "maximum degree of reduction in emissions" as Congress intended, EPA's change now allows all major sources the legal right to increase emissions up to area source thresholds and an option to avoid MACT requirements all together. This will allow industrial facilities across the country to stop running or stop consistently operating the key technology that is currently reducing some of our most dangerous air pollution. In response to questions from Senator Markey in an Environment and Public Works (EPW) hearing on January 30, 2018, you responded that you do agree that more mercury, lead, and other air toxics will have a negative impact on human health. Yet, this policy reversal will mean that more cancer-causing and other hazardous air toxics, like arsenic, mercury, benzene and PCBs, will get into the air we breathe, the water we drink, and the food we eat.

Our concerns about the effects of EPA's decision is neither partisan nor uninformed. During the Bush Administration, then-Acting EPA Assistant Administrator Bill Wehrum attempted to withdraw the "once in, always in" policy through rulemaking and without analysis. In an internal 2005 EPA document, EPA regional officials stated that withdrawing the "once in, always in" policy would mean "many sources would take limits less stringent than MACT requirements" and the policy change would be "detrimental to the environment and undermine the MACT program."³ The regional EPA officials explained that the policy change would mean major air toxic sources "could virtually avoid regulation and greatly complicate any enforcement against them" and "the cost of the increased [hazardous air pollutant] emissions would be borne by the communities surrounding the sources."⁴ The regional EPA officials were so concerned about revoking the "once in, always in" policy, they stated EPA **should not** make the policy

² https://www.epa.gov/sites/production/files/2017-10/documents/potw_rtr_fsfinal_0.pdf

³ https://www.npr.org/documents/2006/apr/epa/epa_internal_letter.pdf

⁴ https://www.npr.org/documents/2006/apr/epa/epa_internal_letter.pdf

change without looking “closely at this issue to determine whether the likely benefits would be greater than the potential environmental costs.”⁵

However, by your own admission, EPA did not closely review – or potentially consider at all – the health effects of this policy change. During the January 30, 2018 hearing before the EPW Committee, Senator Carper asked if EPA did any analysis of the health or environmental effects before deciding to withdraw the “once in, always in” policy through a written memo. You answered, “[T]hat was a decision that was made outside of the Program Office of Air. It was a Policy Office decision.” Based on your answer, we can only assume EPA made this decision without knowing if: more air toxic pollution will be emitted; where increased emissions might be located; and what the impacts of this policy change will be on human health, and state and local communities. You and your team seem to have acted without knowing about the potential health effects of your actions.

By failing to follow the congressional intent of mandatory standards, EPA has instead put American lives at risk in the hope that industry does the right thing on its own. In Assistant Administrator Wehrum’s January 25, 2018, memorandum to EPA Regional Administrators, he stated that changing the “once in, always in” policy will encourage facilities to implement voluntary pollution abatement and prevention efforts. However, we know from history and experience that voluntary innovation and operation improvements by industry do not, alone, reduce this air toxic pollution. That is why Congress overhauled the air toxics provisions of the Clean Air Act almost 30 years ago, requiring compliance with MACT standards.

We believe that it is EPA’s responsibility to provide clear, consistent regulations with the goal of protecting our communities. Withdrawing the longstanding “once in, always in” policy fails this responsibility.

So that we can better understand the rationale and health impacts of the decision to withdraw the “once in, always in” policy, we also ask that you please respond to us in writing with answers to the following questions:

1. In order to understand the potential magnitude of air toxic emissions from this decision, we need to know,
 - a. How many individual facilities in the country were considered a “major source” under Section 112 on January 24, 2018?
 - b. Please identify, as of January 24, 2018, how many of the “major source” facilities identified in question 1(a) had complied with one or more MACT standards with the result being the source no longer emits more than 10 tons per year of any hazardous air pollutant or more than 25 tons per year of any combination of hazardous air pollutants? Please group these facilities by source categories (for example, there were X number of chemical plants meeting a MACT standard that resulted in lower emissions than the major source threshold).
 - c. Please provide state-by-state data and a national total for facilities identified in 1(b).

⁵ https://www.npr.org/documents/2006/apr/epa/epa_internal_letter.pdf

- d. Please provide the potential maximum amount of pollution increases for all 187 hazardous air pollutants as a result of EPA's decision to revoke the "once in, always in" policy.
 - e. How much additional particulate matter, ozone, lead and other criteria pollution will be added to the atmosphere as a result of revoking the "once in, always in" policy?
2. Under the new memorandum, do you expect any major source facilities in the power plant source category to be eligible to be re-designated as an area source?
3. How many facilities does EPA expect will implement voluntary pollution abatement and prevention efforts, or pursue technological innovations now that the "once in, always in" policy has been revoked? Please group the number of facilities by source category and provide a copy of the modeling data, assumptions and other analysis EPA performed to reach its conclusions.
4. We request all EPA analysis and modeling of the impacts of this policy change, including cancer and other human health effects, environmental effects, effects on state air pollution emissions, cost-benefit analysis, and effects on interstate emissions. If none exists today, we request that EPA complete such analysis and provide a timeline for completion.
5. Please provide all documents produced or obtained by EPA that are dated after January 20, 2001, that contain, relate to, or refer to data, calculations, or analysis, regarding the quantification of emission effects (negative or positive) that could result from withdrawing the "once in, always in" policy change.
6. Please provide all documents produced or obtained by EPA that are dated after January 20, 2001, that contain, relate to, or refer to data, calculations, or analysis, regarding the impacts on the regulatory implementation costs and benefits for states from withdrawing the "once in, always in" policy change.
7. Please provide all documents produced or obtained by EPA that are dated after January 20, 2001, that contain, relate to, or refer to data, calculations, or analysis, regarding EPA's estimations of how many facilities will no longer continue to reduce hazardous air pollutants by the amounts required by the MACT standard because of this policy change and the justification of that estimation.
8. Please provide all documents produced or obtained by EPA that are dated after January 20, 2001, that contain, relate to, or refer to data, calculations, or analysis, regarding the quantification of health effects that could result from withdrawing the "once in, always in" policy change.
9. Please provide all documents produced or obtained by EPA that are dated from January 20, 2017 through January 25, 2018 that contain, relate to, or refer to meetings with any and all stakeholders related to the "once in, always in" policy.
10. The Environmental Protection Agency has said it will seek public comment on withdrawing the "once in, always in" policy.
 - a. Will the agency undertake a rulemaking proposal?
 - b. How long will the public comment period be, and when will a Federal Register notice be published?
 - c. How many public meetings will the EPA hold on this issue? What will be the dates and the locations of these meetings?

Please provide written responses to these questions by April 9, 2018. If you or members of your staff have further questions, please have them contact Laura Gillam at laura_gillam@epw.senate.gov.

Sincerely,



Tom Carper
U.S. Senator



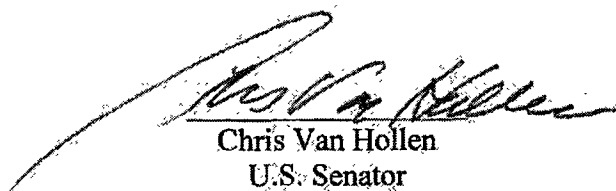
Edward J. Markey
U.S. Senator



Tammy Duckworth
U.S. Senator



Benjamin L. Cardin
U.S. Senator



Chris Van Hollen
U.S. Senator



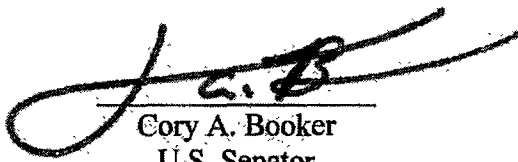
Sheldon Whitehouse
U.S. Senator




Bernard Sanders
U.S. Senator





Jeffrey A. Merkley
U.S. Senator



Cory A. Booker
U.S. Senator


Kirsten Gillibrand
U.S. Senator

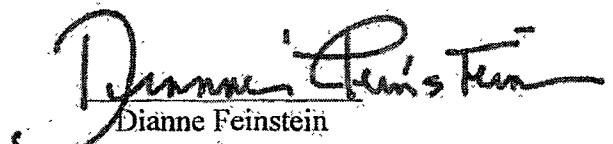

Richard J. Durbin
U.S. Senator


Richard Blumenthal
U.S. Senator


Brian Schatz
U.S. Senator


Kamala D. Harris
U.S. Senator


Mazie K. Hirono
U.S. Senator


Dianne Feinstein
U.S. Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Richard Blumenthal
United States Senate
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

In the 2018 Memo, EPA addresses the question of when a "major source" subject to a maximum achievable control technology (MACT) standard under section 112 of the Clean Air Act (CAA) may be reclassified as an "area source." The 2018 Memo provides that, under the plain language of the definitions of major source and area source in CAA section 112(a), a major source becomes an area source at such time that the source takes an enforceable limit on its potential to emit hazardous air pollutants (HAP) below the major source thresholds. This guidance supersedes that which was contained in the May 1995 Memorandum titled "Potential to Emit for MACT Standards – Guidance on Timing Issues (1995 Seitz Memo)." The 1995 Memo was also known as the "once in, always in" (OIAI) policy.

Prior to issuing the 2018 Memo, EPA had received input about the OIAI policy from stakeholders, including input about the legal basis of the policy, in comments associated with several 2017 Executive Orders and in a docket for a 2007 EPA proposal to rescind the OIAI policy. Documents informing the development of 2018 Memo generally can be found at <https://www.regulations.gov/>, by searching for the dockets listed below.

- Docket ID: EPA-HQ-OAR-2004-0094 – EPA Proposed Rule: National Emission Standards for Hazardous Air Pollutants: General Provisions;
- Docket ID: EPA-HQ-OA-2017-0190 – Executive Order 13777, Enforcing the Regulatory Reform Agenda; and
- Docket ID: EPA-HQ-2017-001-0062 – Information Regarding the Impact of Federal Regulations on Domestic Manufacturing.

As noted in the 2018 Memo, EPA anticipates that it will publish a *Federal Register* notice to take comment on adding regulatory text that will reflect EPA's plain language reading of the statute. As we proceed through the rulemaking process, we will prepare appropriate economic and other analyses in support of the action and provide details about the length of the public comment period and location of any public hearing.

We anticipate that your questions about emissions of toxic air pollution from specific facilities, types of facilities, or source categories will be addressed during the rulemaking.

Further, EPA has a centralized search currently underway that we expect to yield documents relevant to your request. We anticipate delivering documents to you on a rolling basis as they became available.

Again, thank you for your letter. If you have questions, please contact me or your staff may contact Kristien Knapp in EPA's Office of Congressional Affairs at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'W L Wehrum', with a long, sweeping horizontal stroke at the end.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Cory A. Booker
United States Senate
Washington, D.C. 20510

Dear Senator Booker:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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Prior to issuing the 2018 Memo, EPA had received input about the OIAI policy from stakeholders, including input about the legal basis of the policy, in comments associated with several 2017 Executive Orders and in a docket for a 2007 EPA proposal to rescind the OIAI policy. Documents informing the development of 2018 Memo generally can be found at <https://www.regulations.gov/>, by searching for the dockets listed below.

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As noted in the 2018 Memo, EPA anticipates that it will publish a *Federal Register* notice to take comment on adding regulatory text that will reflect EPA's plain language reading of the statute. As we proceed through the rulemaking process, we will prepare appropriate economic and other analyses in support of the action and provide details about the length of the public comment period and location of any public hearing.

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Further, EPA has a centralized search currently underway that we expect to yield documents relevant to your request. We anticipate delivering documents to you on a rolling basis as they become available.

Again, thank you for your letter. If you have questions, please contact me or your staff may contact Kristien Knapp in EPA's Office of Congressional Affairs at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

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William L. Wehrum
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Benjamin L. Cardin
United States Senate
Washington, D.C. 20510

Dear Senator Cardin:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Tom Carper
United States Senate
Washington, D.C. 20510

Dear Senator Carper:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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William L. Wehrum
Assistant Administrator

cc: The Honorable John Barrasso
Chairman, Committee on Environment and Public Works



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Tammy Duckworth
United States Senate
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Richard J. Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Dianne Feinstein
United States Senate
Washington, D.C. 20510

Dear Senator Feinstein:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Kirsten Gillibrand
United States Senate
Washington, D.C. 20510

Dear Senator Gillibrand:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Kamala D. Harris
United States Senate
Washington, D.C. 20510

Dear Senator Harris:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Mazie K. Hirono
United States Senate
Washington, D.C. 20510

Dear Senator Hirono:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
United States Senate
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Jeffrey A. Merkley
United States Senate
Washington, D.C. 20510

Dear Senator Merkley:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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Prior to issuing the 2018 Memo, EPA had received input about the OIAI policy from stakeholders, including input about the legal basis of the policy, in comments associated with several 2017 Executive Orders and in a docket for a 2007 EPA proposal to rescind the OIAI policy. Documents informing the development of 2018 Memo generally can be found at <https://www.regulations.gov/>, by searching for the dockets listed below.

- Docket ID: EPA-HQ-OAR-2004-0094 – EPA Proposed Rule: National Emission Standards for Hazardous Air Pollutants: General Provisions;
- Docket ID: EPA-HQ-OA-2017-0190 – Executive Order 13777, Enforcing the Regulatory Reform Agenda; and
- Docket ID: EPA-HQ-2017-001-0062 – Information Regarding the Impact of Federal Regulations on Domestic Manufacturing.

As noted in the 2018 Memo, EPA anticipates that it will publish a *Federal Register* notice to take comment on adding regulatory text that will reflect EPA's plain language reading of the statute. As we proceed through the rulemaking process, we will prepare appropriate economic and other analyses in support of the action and provide details about the length of the public comment period and location of any public hearing.

We anticipate that your questions about emissions of toxic air pollution from specific facilities, types of facilities, or source categories will be addressed during the rulemaking.

Further, EPA has a centralized search currently underway that we expect to yield documents relevant to your request. We anticipate delivering documents to you on a rolling basis as they become available.

Again, thank you for your letter. If you have questions, please contact me or your staff may contact Kristien Knapp in EPA's Office of Congressional Affairs at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W L Wehrum', with a long horizontal flourish extending to the right.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Bernard Sanders
United States Senate
Washington, D.C. 20510

Dear Senator Sanders:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

In the 2018 Memo, EPA addresses the question of when a "major source" subject to a maximum achievable control technology (MACT) standard under section 112 of the Clean Air Act (CAA) may be reclassified as an "area source." The 2018 Memo provides that, under the plain language of the definitions of major source and area source in CAA section 112(a), a major source becomes an area source at such time that the source takes an enforceable limit on its potential to emit hazardous air pollutants (HAP) below the major source thresholds. This guidance supersedes that which was contained in the May 1995 Memorandum titled "Potential to Emit for MACT Standards – Guidance on Timing Issues (1995 Seitz Memo)." The 1995 Memo was also known as the "once in, always in" (OIAI) policy.

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Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Brian Schatz
United States Senate
Washington, D.C. 20510

Dear Senator Schatz:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

In the 2018 Memo, EPA addresses the question of when a "major source" subject to a maximum achievable control technology (MACT) standard under section 112 of the Clean Air Act (CAA) may be reclassified as an "area source." The 2018 Memo provides that, under the plain language of the definitions of major source and area source in CAA section 112(a), a major source becomes an area source at such time that the source takes an enforceable limit on its potential to emit hazardous air pollutants (HAP) below the major source thresholds. This guidance supersedes that which was contained in the May 1995 Memorandum titled "Potential to Emit for MACT Standards – Guidance on Timing Issues (1995 Seitz Memo)." The 1995 Memo was also known as the "once in, always in" (OIAI) policy.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Chris Van Hollen
United States Senate
Washington, D.C. 20510

Dear Senator Van Hollen:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

In the 2018 Memo, EPA addresses the question of when a "major source" subject to a maximum achievable control technology (MACT) standard under section 112 of the Clean Air Act (CAA) may be reclassified as an "area source." The 2018 Memo provides that, under the plain language of the definitions of major source and area source in CAA section 112(a), a major source becomes an area source at such time that the source takes an enforceable limit on its potential to emit hazardous air pollutants (HAP) below the major source thresholds. This guidance supersedes that which was contained in the May 1995 Memorandum titled "Potential to Emit for MACT Standards – Guidance on Timing Issues (1995 Seitz Memo)." The 1995 Memo was also known as the "once in, always in" (OIAI) policy.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 05 2018

OFFICE OF
AIR AND RADIATION

The Honorable Sheldon Whitehouse
United States Senate
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your letter of March 14, 2018, requesting information about the U.S. Environmental Protection Agency's (EPA) January 25, 2018, guidance memorandum titled, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act (2018 Memo)." The Administrator asked me to respond on his behalf.

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Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 23 2018

OFFICE OF THE
ADMINISTRATOR

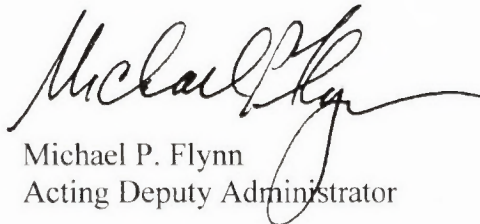
The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov or (202) 564-0260.

Sincerely,



Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

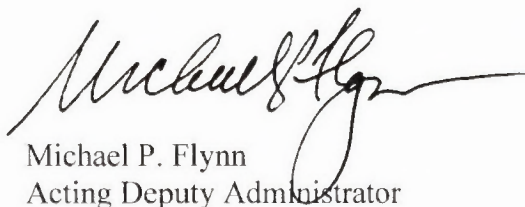
The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Senator McCaskill:

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

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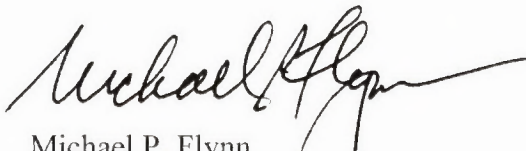
The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Senator Carper:

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Sincerely,


Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable John Thune
Chairman
Committee on Commerce, Science and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

A handwritten signature in black ink, reading "Michael P. Flynn".

Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science and Transportation
United States Senate
Washington, DC 20510

Dear Senator Nelson:

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

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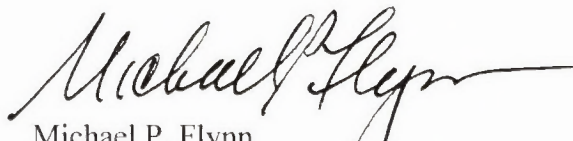
The Honorable Lisa Murkowski
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Madam Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,


Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Maria Cantwell
Ranking Member
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Senator Cantwell:

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable James Risch
Chairman
Committee on Small Business and Entrepreneurship
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
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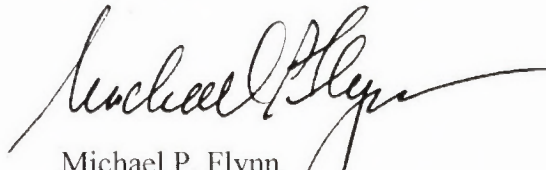
The Honorable Ben Cardin
Ranking Member
Committee on Small Business and Entrepreneurship
United States Senate
Washington, DC 20510

Dear Senator Cardin:

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Sincerely,



Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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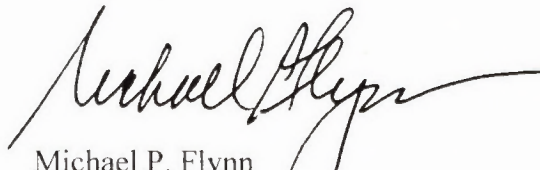
The Honorable Pat Roberts
Chairman
Committee on Agriculture, Nutrition and Forestry
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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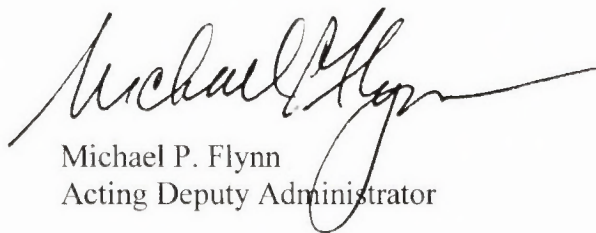
The Honorable Debbie Stabenow
Ranking Member
Committee on Agriculture, Nutrition and Forestry
United States Senate
Washington, DC 20510

Dear Senator Stabenow:

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 23 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Pallone:

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Lamar Smith
Chairman
Committee on Science, Space and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 23 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Eddie Bernice Johnson
Ranking Member
Committee on Science, Space and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Johnson:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov or (202) 564-0260.

Sincerely,

A handwritten signature in black ink, which appears to read "Michael P. Flynn", is written over a horizontal line.

Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Cummings:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Michael K. Conaway
Chairman
Committee on Agriculture
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Collin C. Peterson
Ranking Member
Committee on Agriculture
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Peterson:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov or (202) 564-0260.

Sincerely,



Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Rob Bishop
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,



Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Rodney Frelinghuysen
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2010

OFFICE OF THE
ADMINISTRATOR

The Honorable Nita Lowey
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Lowey:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Congressman DeFazio:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Steve Chabot
Chairman
Committee on Small Business
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

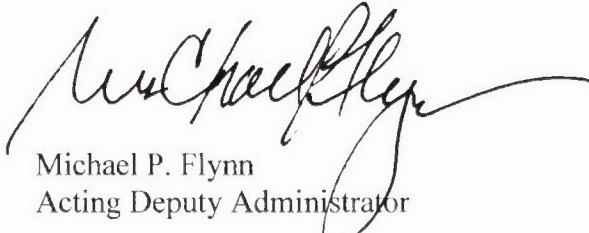
The Honorable Nydia M. Velázquez
Ranking Member
Committee on Small Business
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Velázquez:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov or (202) 564-0260.

Sincerely,



Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,



Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Patrick Leahy
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Leahy:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Raul M. Grijalva
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Grijalva:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Bill Shuster
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Carla Hayden
Librarian of Congress
Library of Congress
Washington, DC 20540

Dear Ms. Hayden:

I am pleased to file the enclosed charter renewing the Human Studies Review Board in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Carla Hayden
Librarian of Congress
Library of Congress
Washington, DC 20540

Dear Ms. Hayden:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Ron Johnson
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Claire McCaskill
Ranking Member
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Senator McCaskill:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Tom Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Senator Carper:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable John Thune
Chairman
Committee on Commerce, Science and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

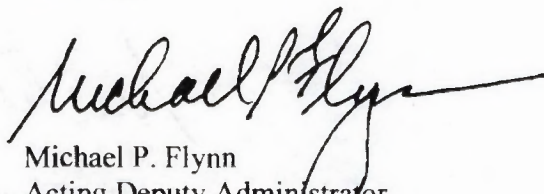
The Honorable Lisa Murkowski
Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Madam Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,



Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science and Transportation
United States Senate
Washington, DC 20510

Dear Senator Nelson:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Maria Cantwell
Ranking Member
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Senator Cantwell:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable James Risch
Chairman
Committee on Small Business and Entrepreneurship
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Ben Cardin
Ranking Member
Committee on Small Business and Entrepreneurship
United States Senate
Washington, DC 20510

Dear Senator Cardin:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Pat Roberts
Chairman
Committee on Agriculture, Nutrition and Forestry
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

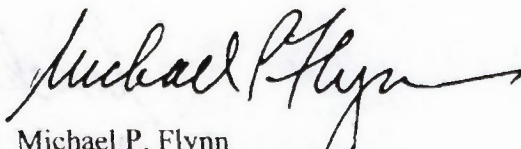
The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov or (202) 564-0260.

Sincerely,


Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Debbie Stabenow
Ranking Member
Committee on Agriculture, Nutrition and Forestry
United States Senate
Washington, DC 20510

Dear Senator Stabenow:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Patrick Leahy
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Senator Leahy:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Lamar Smith
Chairman
Committee on Science, Space and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Pallone:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Eddie Bernice Johnson
Ranking Member
Committee on Science, Space and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Johnson:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Michael K. Conaway
Chairman
Committee on Agriculture
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Cummings:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Rob Bishop
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Collin C. Peterson
Ranking Member
Committee on Agriculture
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Peterson:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Rodney Frelinghuysen
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Raul M. Grijalva
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Grijalva:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

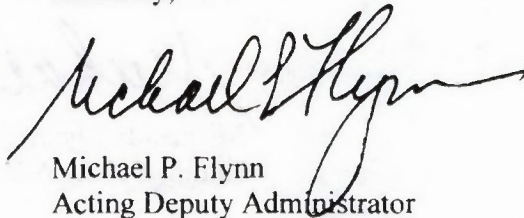
The Honorable Bill Shuster
Chairman
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,



Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Nita Lowey
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Lowey:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Steve Chabot
Chairman
Committee on Small Business
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

The Honorable Peter DeFazio
Ranking Member
Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Dear Congressman DeFazio:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Michael P. Flynn
Acting Deputy Administrator

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2018

OFFICE OF THE
ADMINISTRATOR

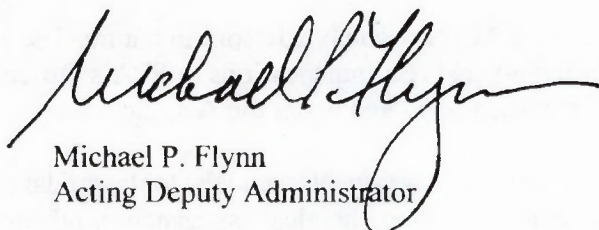
The Honorable Nydia M. Velázquez
Ranking Member
Committee on Small Business
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Velázquez:

I am pleased to file the enclosed charter renewing the Science Advisory Committee on Chemicals in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This charter will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

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Sincerely,


Michael P. Flynn
Acting Deputy Administrator

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

Science Advisory Committee on Chemicals

1. Committee's Official Designation (Title):

Science Advisory Committee on Chemicals (SACC)

2. Authority:

The Science Advisory Committee on Chemicals (SACC) was established pursuant to the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Pub. L. No. 114-182, 140 Stat. 448 (2016), and in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2.

3. Objectives and Scope of Activities:

The SACC will provide independent advice and expert consultation, at the request of the EPA Administrator, with respect to the scientific and technical aspects of issues relating to the implementation of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (the Act), which amends the Toxic Substances Control Act.

4. Description of Duties:

The duties of the SACC are solely advisory in nature. The SACC will provide expert scientific advice, information, and recommendations to EPA's Office of Pollution Prevention and Toxics (OPPT) on chemicals regulated under the Act, including:

- Review of: risk assessments; models; tools; guidance documents; chemical category documents; and other chemical assessment products as deemed appropriate, that are prepared by OPPT; and
- Addressing other scientific and technical issues that OPPT identifies as critical to implementing the Act.

5. Agency or Official to Whom the Committee Reports:

The SACC will submit advice and recommendations and report to the EPA Administrator through the EPA Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

JAMES M. INHOFE, OKLAHOMA
SHELLEY MOORE CAPITO, WEST VIRGINIA
JOHN BOOZMAN, ARKANSAS
ROGER WICKER, MISSISSIPPI
DEB FISCHER, NEBRASKA
JERRY MORAN, KANSAS
MIKE ROUNDS, SOUTH DAKOTA
JONI ERNST, IOWA
DAN SULLIVAN, ALASKA
RICHARD SHELBY, ALABAMA

THOMAS R. CARPER, DELAWARE
BENJAMIN L. CARDIN, MARYLAND
BERNARD SANDERS, VERMONT
SHELDON WHITEHOUSE, RHODE ISLAND
JEFF MERKLEY, OREGON
KIRSTEN GILLIBRAND, NEW YORK
CORY A. BOOKER, NEW JERSEY
EDWARD J. MARKEY, MASSACHUSETTS
TAMMY DUCKWORTH, ILLINOIS
CHRIS VAN HOLLEN, MARYLAND

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

March 5, 2018

The Honorable E. Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

The Honorable Rick Perry
Secretary
Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585

Dear Administrator Pruitt and Secretary Perry:

We write to reaffirm our strong support for your leadership in providing, as Congress intended, relief to small refineries suffering hardship under the Renewable Fuel Standard (RFS). Hardship relief is critical to the commercial viability and survival of small refineries – and the thousands of jobs that they provide – in our home states and across the country. We are deeply troubled by the recent attacks on hardship relief for small refineries and what seem to be the efforts of some opponents to obtain confidential business information about these entities. We urge you, in the strongest terms, to ensure that your staff and contractors do not disclose to any outside parties the confidential and other sensitive information of small refineries that petition for hardship relief.

Under the RFS, a small refinery may petition the Environmental Protection Agency (EPA) for relief from its annual renewable fuel volume obligations (RVOs) based on “disproportionate economic hardship.” When evaluating a petition, EPA consults with the Department of Energy (DOE), which uses detailed scoring metrics to determine whether a small refinery would suffer disproportionate economic hardship. Generally, a small refinery must experience a high cost of compliance relative to the industry average or an effect sufficient to cause a significant impairment of the refinery’s viability. To show this, a small refinery must submit confidential and other sensitive information about its financial status, compliance status, and market position, the disclosure of which would compound the harm that the RFS already causes to the refinery.

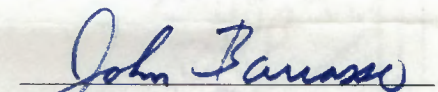
In January, we were alarmed that *Reuters* reported the number of small refineries currently petitioning for hardship relief. While we understand that EPA and DOE consider the identity of these small refineries to be confidential business information, we are concerned that opponents may be trying to obtain this and other highly sensitive information through other means, such as federal securities laws, Freedom of Information Act requests, and contacts with government officials involved in this process. Many of these opponents compete with small refineries by, for example, selling refined products in the same market or renewable identification numbers to small refineries. If opponents obtain this information, they would be able to extract even greater profits from or at the expense of small refineries. EPA and DOE must not let that happen.

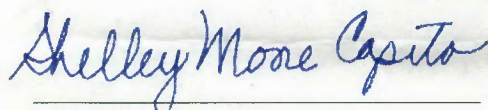
Under the RFS, EPA’s responsibility is not to maximize the amount of corn ethanol used as transportation fuel. Nor is it to enhance the competitive position of large refiners and others who profit from the RFS. Rather, EPA’s responsibility is to apply the law, which requires the

Administrator, in consultation with the Secretary, to provide relief to any small refinery that would suffer disproportionate economic hardship from the RFS. We ask you to continue to fulfill this responsibility and do so in a timely manner. We make this request regardless of whether EPA continues its long-standing practice – which we strongly support – of *not* allocating the annual RVOs of small refineries to other refineries when providing relief after setting the RVOs.

Thank you for your consideration and we look forward to your prompt response.

Sincerely,


John Barrasso, M.D.
Chairman


Shelley Moore Capito
Chair
U.S. Senate Subcommittee on
Clean Air and Nuclear Safety



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 24, 2018

OFFICE OF
AIR AND RADIATION

The Honorable John Barrasso
United States Senate
Washington, D.C. 20510

Dear Senator Barrasso:

Thank you for your letter of March 5, 2018, to the U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt and U.S. Department of Energy (DOE) Secretary Rick Perry regarding exemptions for small refineries under the Renewable Fuel Standard (RFS) program, and the importance of protecting associated confidential business information (CBI). The Administrator asked that I respond to you on his behalf.

The Administrator is committed to implementing the RFS program in accordance with the statute. EPA evaluates petitions for RFS exemptions from qualifying small refineries on a case-by-case basis, and we consult with DOE on our assessment of those petitions, as required by law. As your letter notes, this process requires evaluation of confidential business information submitted by individual refineries. I can assure you that both EPA and DOE staff understand the sensitivity of such information and take very seriously the need to maintain confidentiality of such information, consistent with our regulations.

EPA has received Freedom of Information Act requests pertaining to administration of the small refinery exemption program. In responding to such inquiries and other requests for information, EPA regulations require that the Agency treat CBI information that an applicant has claimed as such until a final CBI determination is made by the Office of General Counsel. *See* 40 CFR Part 2, Subpart B, Confidentiality of Business Information. To date, the Agency has not made such a determination, and we thus treat the information as CBI, as required by our regulations.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyl in the EPA's Office of Congressional and Intergovernmental Relations at thundiyl.karen@epa.gov or (202) 564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read "W L Wehrum", is written over a horizontal line.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 24, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Shelley Moore Capito
United States Senate
Washington, D.C. 20510

Dear Senator Capito:

Thank you for your letter of March 5, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt and U.S. Department of Energy (DOE) Secretary Rick Perry regarding exemptions for small refineries under the Renewable Fuel Standard (RFS) program, and the importance of protecting associated confidential business information (CBI). The Administrator asked that I respond to you on his behalf.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Bill Walker
Governor of Alaska
State Capitol, P.O. Box 110001
Juneau, Alaska, 99811-0001

Dear Governor Walker:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

EPA will be hosting a National Leadership Summit to identify solutions to address PFAS challenges in drinking water and at contaminated sites. The summit will be held in Washington, D.C. on May 22-23, 2018, and we will work side-by-side with states, tribes and other partners to dedicate our collective expertise and resources to manage these chemicals. At the summit, we will work together to:

- Share information on ongoing efforts to characterize risks from PFAS and develop monitoring and treatment/cleanup techniques;
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- Develop risk communication strategies to help address public concerns with PFAS.

Following the summit, EPA will travel to states with communities impacted by PFAS to further engage on ways the Agency can best support the work that's being done at the state, local, and tribal levels. Using information from the National Leadership Summit and our community engagement, EPA plans to develop a PFAS Management Plan for release later this year.

I look forward to an engaging and productive meeting. My staff will reach out to your office to provide additional information on the event. If you need more information, please contact Dr. Peter Grevatt, Director of the Office of Ground Water and Drinking Water, at Grevatt.Peter@epa.gov.

Respectfully yours,

E. Scott Pruitt

1200 PENNSYLVANIA AVE. NW • MAIL CODE 1101A • WASHINGTON, DC 20460 • (202) 564-4700 • FAX: (202) 501-1450



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Lolo Matalasi Moliga
Governor of American Samoa
Executive Office Building, Third Floor
Utulei, Pago Pago, American Samoa, 96799

Dear Governor Moliga:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Doug Ducey
Governor of Arizona
State Capitol, 1700 West Washington
Phoenix, Arizona, 85007

Dear Governor Ducey:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Asa Hutchinson
Governor of Arkansas
State Capitol, Room 250
Little Rock, Arkansas, 72201

Dear Governor Hutchinson:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Edmund Brown
Governor of California
State Capitol
Sacramento, California, 95814

Dear Governor Brown:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable John Hickenlooper
Governor of Colorado
136 State Capitol
Denver, Colorado, 80203-1792

Dear Governor Hickenlooper:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Dan Malloy
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut, 06106

Dear Governor Malloy:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable John Carney
Governor of Delaware
Legislative Hall
Dover, Delaware, 19901

Dear Governor Carney:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Rick Scott
Governor of Florida
PL 05 The Capitol, 400 South Monroe Street
Tallahassee, Florida, 32399-0001

Dear Governor Scott:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Nathan Deal
Governor of Georgia
203 State Capitol
Atlanta, Georgia, 30334

Dear Governor Deal:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Eddie Calvo
Governor of Guam
Executive Chamber, P.O. Box 2950
Agana, Guam, 96932

Dear Governor Calvo:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable David Ige
Governor of Hawaii
Executive Chambers, State Capitol
Honolulu, Hawaii, 96813

Dear Governor Ige:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable C.L. "Butch" Otter
Governor of Idaho
700 West Jefferson, Second Floor
Boise, Idaho, 83702

Dear Governor Otter:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Bruce Rauner
Governor of Illinois
State Capitol, 207 Statehouse
Springfield, Illinois, 62706

Dear Governor Rauner:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Eric Holcomb
Governor of Indiana
State House, Room 206
Indianapolis, Indiana, 46204-2797

Dear Governor Holcomb:

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Respectfully yours

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
Des Moines, Iowa, 50319-0001

Dear Governor Reynolds:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Jeff Colyer
Governor of Kansas
Capitol, 300 SW 10th Avenue, Suite 212S
Topeka, Kansas, 66612-1590

Dear Governor Colyer:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky, 40601

Dear Governor Bevin:

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Respectfully yours

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable John Bel Edwards
Governor of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana, 70804-9004

Dear Governor Edwards:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

EPA will be hosting a National Leadership Summit to identify solutions to address PFAS challenges in drinking water and at contaminated sites. The summit will be held in Washington, D.C. on May 22-23, 2018, and we will work side-by-side with states, tribes and other partners to dedicate our collective expertise and resources to manage these chemicals. At the summit, we will work together to:

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Paul LePage
Governor of Maine
#1 State House Station
Augusta, Maine, 04333

Dear Governor LePage:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. Scott Pruitt

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E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Larry Hogan
Governor of Maryland
State House, 100 State Circle
Annapolis, Maryland, 21401

Dear Governor Hogan:

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Charlie Baker
Governor of Massachusetts
State House, Office of the Governor, Room 360
Boston, Massachusetts, 02133

Dear Governor Baker:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan, 48909

Dear Governor Snyder:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol, 75 Rev. Dr. Martin Luther King, Jr. Boulevard
St. Paul, Minnesota, 55155

Dear Governor Dayton:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Phil Bryant
Governor of Mississippi
P.O. Box 139
Jackson, Mississippi, 39205

Dear Governor Bryant:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Eric Greitens
Governor of Missouri
Capitol Building, Room 218, P.O. Box 720
Jefferson City, Missouri, 65102

Dear Governor Greitens:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Steve Bullock
Governor of Montana
State Capitol
Helena, Montana, 59620-0801

Dear Governor Bullock:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Pete Ricketts
Governor of Nebraska
P.O. Box 94848
Lincoln, Nebraska, 68509-4848

Dear Governor Ricketts:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Brian Sandoval
Governor of Nevada
Capitol Building
Carson City, Nevada, 89701

Dear Governor Sandoval:

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E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor, 25 Capitol Street, Room 212
Concord, New Hampshire, 03301

Dear Governor Sununu:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Phil Murphy
Governor of New Jersey
The State House, P.O. Box 001
Trenton, New Jersey, 08625

Dear Governor Murphy:

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E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Susana Martinez
Governor of New Mexico
State Capitol, Fourth Floor
Santa Fe, New Mexico, 87501

Dear Governor Martinez:

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E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, New York, 12224

Dear Governor Cuomo:

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Roy Cooper
Governor of North Carolina
Office of the Governor, 20301 Mail Service Center
Raleigh, North Carolina, 27699-0301

Dear Governor Cooper:

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E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Doug Burgum
Governor of North Dakota
Department 101, 600 E. Boulevard Avenue
Bismarck, North Dakota, 58505-0001

Dear Governor Burgum:

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Respectfully yours,

E. Scott Pruitt

1200 PENNSYLVANIA AVE. NW • MAIL CODE 1101A • WASHINGTON, DC 20460 • (202) 564-4700 • FAX: (202) 501-1450



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Ralph Deleon Guerrero Torres
Governor of the Northern Mariana Islands
Caller Box 10007
Saipan, the Northern Mariana Islands, 96950

Dear Governor Torres:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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I look forward to an engaging and productive meeting. My staff will reach out to your office to provide additional information on the event. If you need more information, please contact Dr. Peter Grevatt, Director of the Office of Ground Water and Drinking Water, at Grevatt.Peter@epa.gov.

Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable John Kasich
Governor of Ohio
30th Floor, 77 South High Street
Columbus, Ohio, 43215

Dear Governor Kasich:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Mary Fallin
Governor of Oklahoma
Capitol Building, 2300 Lincoln Blvd., Rm. 212
Oklahoma City, Oklahoma, 73105

Dear Governor Fallin:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Kate Brown
Governor of Oregon
State Capitol, Room 160, 900 Court St. N.
Salem, Oregon, 97301

Dear Governor Brown:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Tom Wolf
Governor of Pennsylvania
Room 225, Main Capitol Building
Harrisburg, Pennsylvania, 17120

Dear Governor Wolf:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. Scott Pruitt

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E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Ricardo Rosselló
Governor of Puerto Rico
La Fortaleza, P.O. Box 9020082
San Juan, Puerto Rico, 00902-0082

Dear Governor Rosselló:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Gina Raimondo
Governor of Rhode Island
State House
Providence, Rhode Island, 02903

Dear Governor Raimondo:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Henry McMaster
Governor of South Carolina
1205 Pendleton Street
Columbia, South Carolina, 29201

Dear Governor McMaster:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Dennis Daugaard
Governor of South Dakota
500 East Capitol Street
Pierre, South Dakota, 57501

Dear Governor Daugaard:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Bill Haslam
Governor of Tennessee
Tennessee State Capitol
Nashville, Tennessee, 37243-0001

Dear Governor Haslam:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Greg Abbott
Governor of Texas
P.O. Box 12428
Austin, Texas, 78711

Dear Governor Abbott:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Gary R. Herbert
Governor of Utah
Utah State Capitol, Suite 200
Salt Lake City, Utah, 84114

Dear Governor Herbert:

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E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Phil Scott
Governor of Vermont
109 State Street, Pavilion Office Building
Montpelier, Vermont, 05609

Dear Governor Scott:

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Kenneth Mapp
Governor of Virgin Islands
Government House, 21-22 Kongens Gade, Charlotte Amalie
St. Thomas, Virgin Islands, 00802

Dear Governor Mapp:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Ralph Northam
Governor of Virginia
State Capitol, Third Floor
Richmond, Virginia, 23219

Dear Governor Northam:

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Respectfully yours

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Jay Inslee
Governor of Washington
Office of the Governor, P.O. Box 40002
Olympia, Washington, 98504-0002

Dear Governor Inslee:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Jim Justice
Governor of West Virginia
1900 Kanawha Street
Charleston, West Virginia, 25305

Dear Governor Justice:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Scott Walker
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin, 53707

Dear Governor Walker:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

EPA will be hosting a National Leadership Summit to identify solutions to address PFAS challenges in drinking water and at contaminated sites. The summit will be held in Washington, D.C. on May 22-23, 2018, and we will work side-by-side with states, tribes and other partners to dedicate our collective expertise and resources to manage these chemicals. At the summit, we will work together to:

- Share information on ongoing efforts to characterize risks from PFAS and develop monitoring and treatment/cleanup techniques;
- Identify specific near-term actions, beyond those already underway, that are needed to address challenges currently facing states and local communities; and
- Develop risk communication strategies to help address public concerns with PFAS.

Following the summit, EPA will travel to states with communities impacted by PFAS to further engage on ways the Agency can best support the work that's being done at the state, local, and tribal levels. Using information from the National Leadership Summit and our community engagement, EPA plans to develop a PFAS Management Plan for release later this year.

I look forward to an engaging and productive meeting. My staff will reach out to your office to provide additional information on the event. If you need more information, please contact Dr. Peter Grevatt, Director of the Office of Ground Water and Drinking Water, at Grevatt.Peter@epa.gov.

Respectfully yours,

E. Scott Pruitt

1200 PENNSYLVANIA AVE. NW • MAIL CODE 1101A • WASHINGTON, DC 20460 • (202) 564-4700 • FAX: (202) 501-1450



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Matthew H. Mead
Governor of Wyoming
State Capitol Building, Room 124
Cheyenne, Wyoming, 82002

Dear Governor Mead:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

Executive Office of the Mayor
1350 Pennsylvania Avenue, NW
Suite 316
Washington, DC 20004

Dear Mayor Bowser:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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E. SCOTT PRUITT

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March 19, 2018

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1350 Pennsylvania Avenue, NW
Suite 316
Washington, DC 20004

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Respectfully yours,

E. Scott Pruitt



Congress of the United States

Washington, DC 20515

March 20, 2018

The Honorable Scott Pruitt
Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Pruitt,

We write to request information regarding how the Environmental Protection Agency (EPA) will respond to the recent ruling in the case *South Coast Air Quality Management District v. EPA et al*, No. 15-1115 (DC Cir. February 16, 2018), especially the impacts this ruling could have and any planned Administrative or legal actions you may take. As you may know, there have been significant concerns expressed with how this ruling—in essence resurrecting the 1997 National Ambient Air Quality Standards (NAAQS) for ozone—could impact a wide array of infrastructure projects. In the Houston area alone, the Texas Department of Transportation informs us they may be forced to delay over \$3 billion of projects.

As you are well aware, the Clean Air Act (CAA) directs the EPA to set NAAQS and to designate regions as non-attainment for areas that do not meet the minimum NAAQS. The Houston- Galveston region is designated non-attainment for ozone, requiring the region to develop and adhere to a State Implementation Plan (SIP), demonstrating how and when the region non-attainment areas will come into compliance. Demonstrating that transportation projects adhere to a SIP is referred to as “conformity” and is a key step for any major project.

The Court’s decision immediately impacts the Houston region because EPA may not be able to approve the conformity determination submitted to them on January 29, 2018 as part of the Regional Transportation Plan (Plan). This is because the conformity determination does not take into account the now-active 1997 ozone NAAQS, as would be required under this recent court ruling. This could cause delays in environmental clearance and letting major projects such as IH 45 (NHHIP), SH 249, SH 36, and US 290, causing significant disruption in the State of Texas.

Given these impacts and the uncertainty caused by this recent ruling, we would appreciate your attention to this matter and any information you can provide.

Very respectfully,



Pete Olson
Member of Congress



Bill Flores
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 24, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Pete Olson
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Olson:

Thank you for your letter of March 20, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding our response to the recent ruling by the District of Columbia Circuit Court of Appeals on the *South Coast Air Quality Management District v. EPA et al* litigation. In your letter, you raised potential concerns regarding whether this court decision impacted transportation conformity determinations for major transportation projects in the Houston area and for the area's revised transportation plan. The Administrator asked that I respond on his behalf.

On April 23, 2018, the U.S. Department of Justice filed a motion with the District of Columbia Circuit Court of Appeals seeking rehearing on various aspects of the decision including portions of the decision that address transportation conformity requirements in certain former ozone nonattainment and maintenance areas for the 1997 national ambient air quality standard (NAAQS). In addition, based on our review of the decision, areas such as Houston, where the entire 1997 ozone nonattainment or maintenance area was designated nonattainment for the 2008 ozone NAAQS, will comply with transportation conformity requirements by continuing to make conformity determinations for the 2008 ozone NAAQS. In other words, such areas are not addressed by the court's decision and are not required to fulfill any transportation conformity requirements for the 1997 ozone NAAQS. Therefore, areas including Houston, Dallas and over 30 additional large metropolitan areas can continue to move forward with critical transportation infrastructure projects, while also continuing to ensure that air quality is protected.

We anticipate issuing transportation conformity guidance on the decision in the near future and the information in this letter is intended to be consistent with that future guidance. We continue to work with our counterparts in the U.S. Department of Transportation to assist areas with transportation conformity implementation.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or at (202) 564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read 'W L Wehrum', with a long, sweeping horizontal stroke at the end.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 24, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Bill Flores
U.S. House of Representatives
Washington, D.C. 20515

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William L. Wehrum
Assistant Administrator

MATT CARTWRIGHT
17TH DISTRICT, PENNSYLVANIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES

FINANCIAL SERVICES
AND GENERAL GOVERNMENT

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM

Congress of the United States
House of Representatives
Washington, DC 20515-3817

March 8, 2018

1034 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5546

226 WYOMING AVENUE
SCRANTON, PA 18503
(570) 341-1050

20 NORTH PENNSYLVANIA AVENUE, SUITE 201
WILKES-BARRE, PA 18711
(570) 371-0317

121 PROGRESS AVENUE, SUITE 310
POTTSVILLE, PA 17901
(570) 624-0140

400 NORTHAMPTON STREET, SUITE 307
EASTON, PA 18042
(484) 546-0776

The Honorable Scott Pruitt
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

The health and safety of our citizens is of paramount importance. State and Tribal officials, first responders, medical professionals, and the public have a right to know about the health hazards they may be exposed to in their homes, their drinking water, and their environment. We write to ask you to disclose the identities of all chemicals used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk information System (IRIS) from the start of the program's implementation to the present.

Under TSCA, confidential information about chemicals' identities shall be disclosed to prevent an unreasonable risk of injury to health or the environment. This information typically includes the chemical name, trade name, and Chemical Abstracts Service (CAS) number. According to documents released in response to a Freedom of Information Act request, EPA regulators in the New Chemicals program identified serious health concerns about 41 new chemicals proposed for use in oil and gas drilling and hydraulic fracturing between 2003 and 2014. Health concerns related to exposure to these chemicals included eye, skin, and lung irritation, developmental delays, neurotoxicity, kidney toxicity, and carcinogenicity.

Despite serious health concerns, EPA regulators permitted at least 41 of these chemicals to be used in oil and gas drilling and in hydraulic fracturing, while protecting the confidentiality of manufacturers and the identities of the chemicals. The Government Accountability Office determined that the EPA has not developed a sufficient chemical assessment system to quantify risks of injury to human health. It placed the New Chemicals program on the High Risk List in 2009—a list of federal agencies at highest risk for waste, fraud, abuse, and mismanagement. It remains on the High Risk List as of today.

Because the identity of these chemicals is confidential, State and Tribal officials, first responders, medical professionals, and citizens often cannot determine where and when the chemicals may have been used in drilling and hydraulic fracturing operations. Although TSCA provides for disclosure to health professionals and certain government officials for medical or emergency purposes, such disclosure requires proof of exposure. Yet medical professionals, first responders, and State and Tribal

officials are often unable to prove that people or the environment have been exposed to these chemicals because officials cannot test for their presence in the environment or drinking water without knowing their identities. For example, in 2014 firefighters in Ohio were not given chemical identities for days after possible exposure. By keeping these chemical identities confidential, the EPA is putting our brave first responders in harm's way.

Further, the EPA does not consider the possibility of accidental release or inadvertent exposure when determining whether a chemical poses an unreasonable risk of injury to health or the environment. This assumption is significant because risk is determined as the product of toxicity and the possibility of exposure. By assuming that exposure is unlikely, EPA regulators may erroneously conclude that a chemical poses little to no risk, despite very high toxicity.

However, dozens of studies—including those published by the National Institutes of Health (NIH)—have shown correlations between negative health impacts and proximities to oil and gas wells. These negative health effects have included premature births, low birth rates, higher rates of asthma, higher risk of cancer, and higher rates of hospitalization for cardiac, neurological, and skin-related problems for individuals living near oil and gas wells. One NIH study found living near an oil or gas well was directly proportional to the number of health problems a resident experienced: individuals living within one kilometer of a gas well had twice the number of health problems as those living at least two kilometers away. In Pennsylvania alone, residents have filed over 9,000 complaints about drilling problems from 2004 to 2016—nearly one complaint for every well in the state. In its 2016 report on hydraulic fracturing's impact on drinking water, the EPA itself concluded that in 324 of 457 spills between 2006 and 2012, hydraulic fracturing had contaminated the soil, surface water, or groundwater. In disclosures required by federal securities law, drilling companies commonly tell investors that spills and leaks are among the most significant risks in drilling operations. When determining whether these chemicals pose an unreasonable risk, the EPA must take into account the very real possibility of inadvertent or accidental exposure through spills and leaks.

It is an unreasonable risk to the health of our citizens, our first responders, and our medical professionals to be unknowingly exposed to potentially toxic chemicals. We ask that you disclose the identities of all new chemicals used in oil and gas drilling that the EPA has identified as potentially harmful so we can act to protect the public health from further harm.

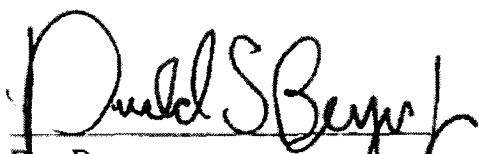
Sincerely,



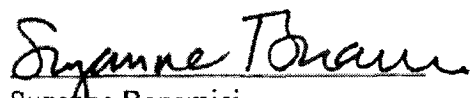
Matthew Cartwright
Member of Congress



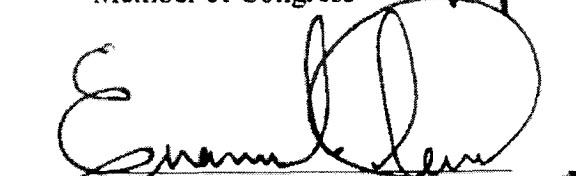
Nanette Barragán
Member of Congress



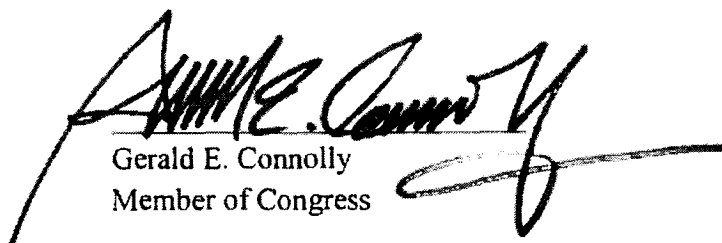
Don Beyer
Member of Congress




Suzanne Bonamici
Member of Congress




Emanuel Cleaver
Member of Congress



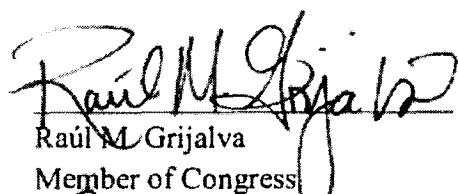
Gerald E. Connolly
Member of Congress




Mark DeSaulnier
Member of Congress



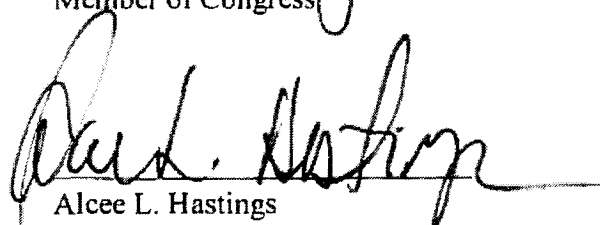
Anna G. Eshoo
Member of Congress




Raúl M. Grijalva
Member of Congress



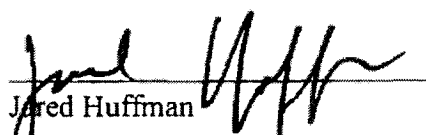
Luis Gutiérrez
Member of Congress




Alcee L. Hastings
Member of Congress



Eleanor Holmes Norton
Member of Congress



Jared Huffman
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Daniel T. Kildee
Member of Congress



Barbara Lee
Member of Congress



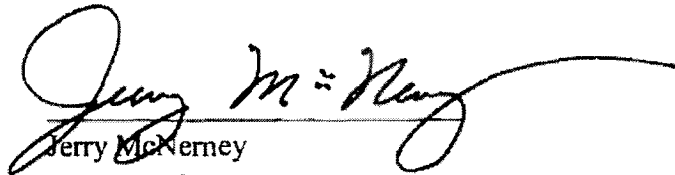
Zoe Lofgren
Member of Congress



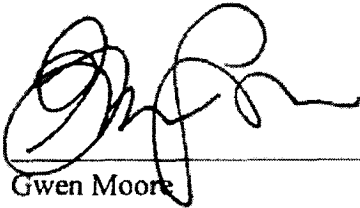
Alan Lowenthal
Member of Congress



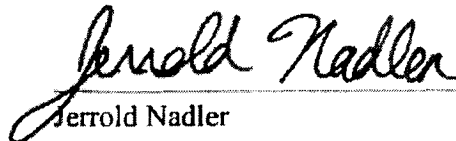
Betty McCollum
Member of Congress



Jerry McNerney
Member of Congress



Gwen Moore
Member of Congress



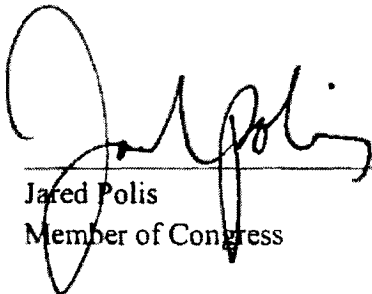
Jerrold Nadler
Member of Congress



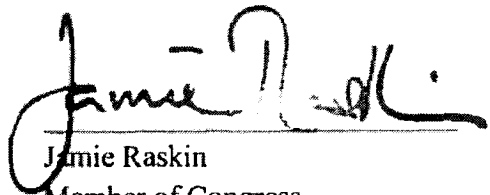
Mike Quigley
Member of Congress



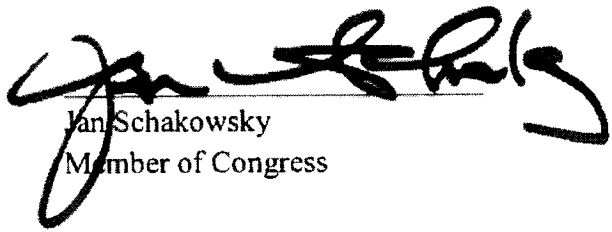
Mark Pocan
Member of Congress



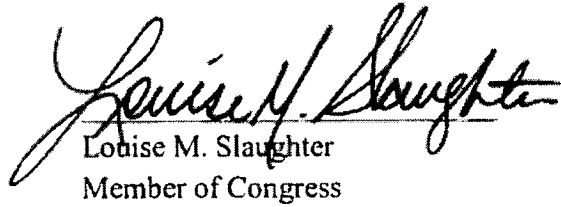
Jared Polis
Member of Congress



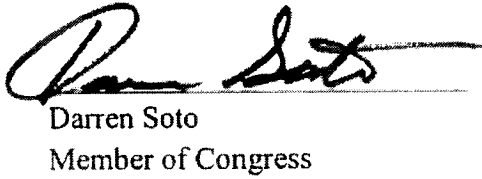
Jamie Raskin
Member of Congress



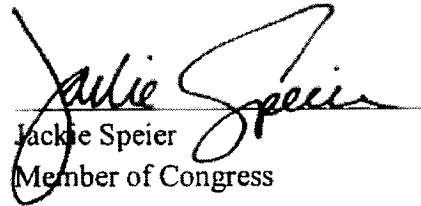
Jan Schakowsky
Member of Congress



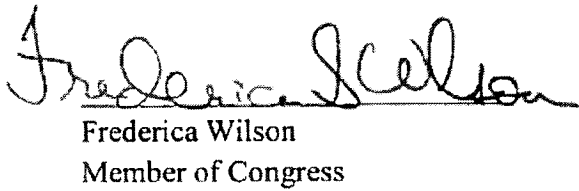
Louise M. Slaughter
Member of Congress



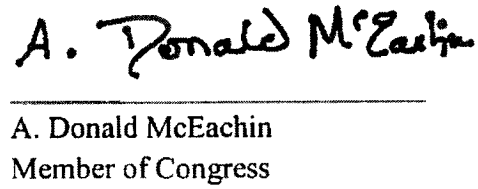
Darren Soto
Member of Congress



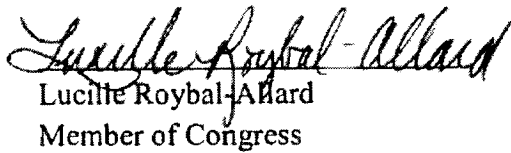
Jackie Speier
Member of Congress



Frederica Wilson
Member of Congress



A. Donald McEachin
Member of Congress



Lucille Roybal-Allard
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Gwen Moore
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Moore:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

Your letter raises questions relating to new chemicals risk assessments and the disclosure of information, including specific chemical identity, that has been claimed as Confidential Business Information (CBI) by submitters of premanufacture notices under section 14 of TSCA, as amended.

Regarding your concerns about the availability of CBI to: (1) state tribal and local governments; (2) environmental health and medical professionals; and (3) emergency responders, the Frank R. Lautenberg Chemical Safety for the 21st Century Act amended the Toxic Substances Control Act (TSCA) to expand the categories of entities who may now access information claimed as confidential business information (CBI) under TSCA. Under section 14(d), EPA is now allowed, under certain conditions, to disclose CBI – such as the information referenced in your letter – to state, tribal, and local governments; environmental, health, and medical professionals; and emergency responders. On June 22, 2018, EPA published guidance outlining the circumstances under which TSCA allows the Agency to disclose CBI and how representatives of the three groups listed above can request disclosure. *See* 83 Fed. Reg. 30,171 (June 27, 2018). This guidance is also available on EPA's web page at <https://www.epa.gov/tsca-cbi/requesting-access-cbi-under-tsca>.

TSCA section 14(d)(3) provides for disclosure of CBI to the public if EPA determines that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment. To disclose the confidential identities of the chemical substances as you requested,

EPA would have to determine that the substances present an unreasonable risk, and that disclosure is necessary to prevent that unreasonable risk. The 41 chemicals referenced in your letter were all reviewed under EPA's New Chemicals Program, and EPA did not make a "presents unreasonable risk" determination for any of these chemicals. While our reviews identified some potential hazards associated with these chemical substances, EPA's assessments also indicated that, under the intended conditions of use, exposures would be adequately controlled to prevent any unreasonable risk. Because EPA did not determine that these 41 chemicals present unreasonable risks, EPA is not making the confidential identities of these substances publicly available under section 14(d)(3).

I want to assure you that the Agency is committed to working with you and other members of Congress to achieve full implementation of the statute's requirements to protect human health and the environment and to make information publicly available as appropriate.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at janifer.pamela@epa.gov or at (202) 564-6969.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Bertrand". The signature is written in dark ink and is positioned above the printed name and title.

Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Betty McCollum
US House of Representatives
Washington, district of Columbia 20515

Dear Congresswoman McCollum:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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I want to assure you that the Agency is committed to working with you and other members of Congress to achieve full implementation of the statute's requirements to protect human health and the environment and to make information publicly available as appropriate.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at janifer.pamela@epa.gov or at (202) 564-6969.

Sincerely,

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Zoe Lofgren
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Lofgren:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

Your letter raises questions relating to new chemicals risk assessments and the disclosure of information, including specific chemical identity, that has been claimed as Confidential Business Information (CBI) by submitters of premanufacture notices under section 14 of TSCA, as amended.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Daniel Kildee
US House of Representatives
Washington, District of Columbia 20510

Dear Congressman Kildee:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Henry (HANK) C Johnson
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Johnson:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Eleanor HOLMES Norton
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Norton:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Luis V. Gutierrez
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Gutierrez:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Anna G. Eshoo
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Eshoo:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Gerald E. Connolly
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Connolly:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Suzanne Bonamici
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Bonamici:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jared Huffman
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Huffman:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Nanette Barragan
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Barragan:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

Your letter raises questions relating to new chemicals risk assessments and the disclosure of information, including specific chemical identity, that has been claimed as Confidential Business Information (CBI) by submitters of premanufacture notices under section 14 of TSCA, as amended.

Regarding your concerns about the availability of CBI to: (1) state tribal and local governments; (2) environmental health and medical professionals; and (3) emergency responders, the Frank R. Lautenberg Chemical Safety for the 21st Century Act amended the Toxic Substances Control Act (TSCA) to expand the categories of entities who may now access information claimed as confidential business information (CBI) under TSCA. Under section 14(d), EPA is now allowed, under certain conditions, to disclose CBI – such as the information referenced in your letter – to state, tribal, and local governments; environmental, health, and medical professionals; and emergency responders. On June 22, 2018, EPA published guidance outlining the circumstances under which TSCA allows the Agency to disclose CBI and how representatives of the three groups listed above can request disclosure. *See* 83 Fed. Reg. 30,171 (June 27, 2018). This guidance is also available on EPA's web page at <https://www.epa.gov/tsca-cbi/requesting-access-cbi-under-tsca>.

TSCA section 14(d)(3) provides for disclosure of CBI to the public if EPA determines that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment. To disclose the confidential identities of the chemical substances as you requested,

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I want to assure you that the Agency is committed to working with you and other members of Congress to achieve full implementation of the statute's requirements to protect human health and the environment and to make information publicly available as appropriate.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at janifer.pamela@epa.gov or at (202) 564-6969.

Sincerely,

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Donald Beyer
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Beyer:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Emanuel Cleaver
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Cleaver:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Mark DeSaulnier
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman DeSaulnier:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Raul M. Grijalva
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Grijalva:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Alcee L. Hastings
US House of Representatives
Washington, district of Columbia 20515

Dear Congresswoman Hastings:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Darren M. Soto
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Soto:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jan Schakowsky
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Schakowsky:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jamie Raskin
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Raskin:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Mark Pocan
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Pocan:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jerrold Nadler
US House of Representatives
Washington, District of Columbia 0

Dear Congressman Nadler:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

Your letter raises questions relating to new chemicals risk assessments and the disclosure of information, including specific chemical identity, that has been claimed as Confidential Business Information (CBI) by submitters of premanufacture notices under section 14 of TSCA, as amended.

Regarding your concerns about the availability of CBI to: (1) state tribal and local governments; (2) environmental health and medical professionals; and (3) emergency responders, the Frank R. Lautenberg Chemical Safety for the 21st Century Act amended the Toxic Substances Control Act (TSCA) to expand the categories of entities who may now access information claimed as confidential business information (CBI) under TSCA. Under section 14(d), EPA is now allowed, under certain conditions, to disclose CBI – such as the information referenced in your letter – to state, tribal, and local governments; environmental, health, and medical professionals; and emergency responders. On June 22, 2018, EPA published guidance outlining the circumstances under which TSCA allows the Agency to disclose CBI and how representatives of the three groups listed above can request disclosure. *See* 83 Fed. Reg. 30,171 (June 27, 2018). This guidance is also available on EPA's web page at <https://www.epa.gov/tsca-cbi/requesting-access-cbi-under-tsca>.

TSCA section 14(d)(3) provides for disclosure of CBI to the public if EPA determines that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment. To disclose the confidential identities of the chemical substances as you requested,

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I want to assure you that the Agency is committed to working with you and other members of Congress to achieve full implementation of the statute's requirements to protect human health and the environment and to make information publicly available as appropriate.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at janifer.pamela@epa.gov or at (202) 564-6969.

Sincerely,

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jerry McNerney
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman McNerney:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Alan Lowenthal
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Lowenthal:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Barbara Lee
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Lee:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jared Polis
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Polis:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Mike Quigley
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman Quigley:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Donald McEachin
US House of Representatives
Washington, District of Columbia 20515

Dear Congressman McEachin:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jackie Speier
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Speier:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Louise M. Slaughter
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Slaughter:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Lucille Roybal-Allard
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Roybal-Allard:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

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I want to assure you that the Agency is committed to working with you and other members of Congress to achieve full implementation of the statute's requirements to protect human health and the environment and to make information publicly available as appropriate.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at janifer.pamela@epa.gov or at (202) 564-6969.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Bertrand". The signature is fluid and elegant, with a long horizontal stroke at the end.

Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Frederica Wilson
US House of Representatives
Washington, District of Columbia 20515

Dear Congresswoman Wilson:

Thank you for your letter of March 8, 2018, to the U.S. Environmental Protection Agency, requesting "disclosure of the identities of chemical substances used in hydraulic fracturing and oil and gas drilling that the EPA has identified as potentially harmful to human health under its New Chemical program pursuant to the Toxic Substances Control Act (TSCA) and the Integrated Risk Information System (IRIS) from the start of the program's implementation to the present."

Your letter raises questions relating to new chemicals risk assessments and the disclosure of information, including specific chemical identity, that has been claimed as Confidential Business Information (CBI) by submitters of premanufacture notices under section 14 of TSCA, as amended.

Regarding your concerns about the availability of CBI to: (1) state tribal and local governments; (2) environmental health and medical professionals; and (3) emergency responders, the Frank R. Lautenberg Chemical Safety for the 21st Century Act amended the Toxic Substances Control Act (TSCA) to expand the categories of entities who may now access information claimed as confidential business information (CBI) under TSCA. Under section 14(d), EPA is now allowed, under certain conditions, to disclose CBI – such as the information referenced in your letter – to state, tribal, and local governments; environmental, health, and medical professionals; and emergency responders. On June 22, 2018, EPA published guidance outlining the circumstances under which TSCA allows the Agency to disclose CBI and how representatives of the three groups listed above can request disclosure. *See* 83 Fed. Reg. 30,171 (June 27, 2018). This guidance is also available on EPA's web page at <https://www.epa.gov/tsca-cbi/requesting-access-cbi-under-tsca>.

TSCA section 14(d)(3) provides for disclosure of CBI to the public if EPA determines that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment. To disclose the confidential identities of the chemical substances as you requested,

EPA would have to determine that the substances present an unreasonable risk, and that disclosure is necessary to prevent that unreasonable risk. The 41 chemicals referenced in your letter were all reviewed under EPA's New Chemicals Program, and EPA did not make a "presents unreasonable risk" determination for any of these chemicals. While our reviews identified some potential hazards associated with these chemical substances, EPA's assessments also indicated that, under the intended conditions of use, exposures would be adequately controlled to prevent any unreasonable risk. Because EPA did not determine that these 41 chemicals present unreasonable risks, EPA is not making the confidential identities of these substances publicly available under section 14(d)(3).

I want to assure you that the Agency is committed to working with you and other members of Congress to achieve full implementation of the statute's requirements to protect human health and the environment and to make information publicly available as appropriate.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at janifer.pamela@epa.gov or at (202) 564-6969.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Bertrand". The signature is written in dark ink and is positioned above the printed name and title.

Charlotte Bertrand
Acting Principal Deputy Assistant Administrator

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

March 20, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

Pursuant to Rules X and XI of the U.S. House of Representatives, the Committee on Energy and Commerce is continuing its oversight of the Environmental Protection Agency's (EPA) management of its workforce. The EPA has struggled for decades to determine whether the workforce at the agency has the appropriate skills and competencies to accomplish its mission.¹ In fact, EPA has not conducted a workforce analysis in over 20 years,² and the EPA Office of Inspector General (OIG) has cited the need to improve workload analysis as a management challenge since 2012.³ These recommendations come in light of EPA developing plans to reorganize and restructure the agency.

During a hearing before the Subcommittee on Oversight and Investigations in September 2017, both the EPA OIG and the Government Accountability Office (GAO) raised concerns about the lack of data on EPA's workforce.⁴ According to GAO, "data on workload is important" because the agency does not "ensure that it has the right people in the right places with the right skills and competencies to accomplish the mission of the agency, whether that is to focus on areas that are short term or long term. We want to make sure the agency has that information."⁵

¹ See *EPA Oversight: Unimplemented Inspector General & GAO Recommendations*, Hearing Before the H. Comm. on Energy & Comm., Subcomm. on Oversight & Investigations, 115th Cong., Sept. 6, 2017.

² See Environmental Protection Agency, Office of Inspector General, *EPA Needs Work Data to Better Justify Future Workforce Levels*, Report No. 11-P-0630, Sept. 14, 2011, available at <https://www.epa.gov/sites/production/files/2015-09/documents/201110914-11-p-0630.pdf>.

³ Environmental Protection Agency, Office of Inspector General, *FY 2017 EPA Management Challenges*, Report No. 17-N-0219, May 18, 2017, available at https://www.epa.gov/sites/production/files/2017-05/documents/_epaoig_20170518-17-n-0219.pdf.

⁴ Oversight & Invest. Hearing, *supra* note 1.

⁵ *Id.*

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More recently, during a December 2017 hearing before the Subcommittee on the Environment, you were asked whether the agency could assure the Committee that it would conduct a workforce analysis.⁶ You responded, “Yes. We are actually engaged in the process now.”⁷

Workforce analysis will undoubtedly inform the EPA’s proposed reorganization as the agency attempts to more efficiently deploy its workforce. On March 13, 2017, President Donald J. Trump signed an Executive Order directing the Office of Management and Budget (OMB) to develop a plan for reorganizing the Executive Branch.⁸ OMB issued guidance the following month, requesting that agencies submit a high-level draft plan within 180 days that will be incorporated into a final “comprehensive reorganization as part of the President’s proposed Fiscal Year 2019 budget.”⁹ While EPA’s plan for reorganization has not been released publicly, some EPA offices have already been combined with other offices and over 1,000 personnel have accepted buyouts from the agency.¹⁰

We appreciate your commitment to conducting a workforce analysis—a longstanding problem for EPA—to ensure that the right number of appropriately skilled employees are deployed across the agency and placed in positions that maximize their expertise. This is of particular importance as EPA considers options for reorganizing the agency.

To assist us in understanding more about EPA’s plans to reorganize the agency and how workforce analysis will factor into those plans, we request that Henry Darwin, EPA’s Chief of Operations, and other relevant personnel involved in this project provide a briefing to Committee staff on these matters. Please make arrangements to schedule this briefing no later than March 27, 2018.

Your assistance is greatly appreciated. If you have any questions, please contact Lamar Echols of the Committee Staff at 202-225-6371. Thank you for your attention to this matter.

⁶ *The Mission of the U.S. Environmental Protection Agency*, Hearing Before the H. Comm. on Energy & Comm., Subcomm. on Environment, 115th Cong., Dec. 7, 2017.

⁷ *Id.*

⁸ Exec. Order No. 13781, 82 Fed. Reg. 13959, Mar. 16, 2017, available at <https://www.gpo.gov/fdsys/pkg/FR-2017-03-16/pdf/2017-05399.pdf>.

⁹ See Fact Sheet, *President Trump: Creating an Efficient, Effective and Accountable Federal Government*, Apr. 12, 2017, available at <https://www.whitehouse.gov/briefings-statements/president-trump-creating-efficient-effective-accountable-federal-government/>; see also Memorandum from Mick Mulvaney, OMB Director, to Heads of Exec. Depts and Agencies, *Comprehensive Plan for Reforming the Fed. Gov’t and Reducing the Fed. Civilian Workforce*, Apr. 12, 2017, available at <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-22.pdf>.

¹⁰ See Miranda Green, *EPA Reorganization Will Merge Science Office*, THE HILL, Feb. 26, 2018, available at <http://thehill.com/regulation/energy-environment/375725-major-epa-reorganization-will-end-science-research-program>; see also Brady Dennis, *EPA Plans to Buy Out More Than 1,200 Employees This Summer*, WASH. POST, Jun. 20, 2017, available at https://www.washingtonpost.com/news/energy-environment/wp/2017/06/20/epa-plans-to-buy-out-more-than-1200-employees-by-the-end-of-summer/?utm_term=.c94012ce03fc.

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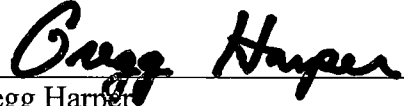
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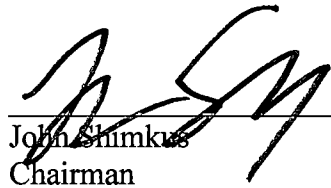
Sincerely,



Greg Walden
Chairman



Gregg Harper
Chairman
Subcommittee on Oversight
and Investigations



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Frank Pallone, Jr., Ranking Member
Committee on Energy and Commerce

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations

The Honorable Paul Tonko, Ranking Member
Subcommittee on Environment

1941

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GREGG HARPER, MISSISSIPPI
CHAIRMAN

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SEAN MORAN, STAFF DIRECTOR

Congress of the United States

House of Representatives COMMITTEE ON HOUSE ADMINISTRATION

1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<https://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
JAMIE RASKIN, MARYLAND

ONE HUNDRED FIFTEENTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

March 20, 2018

Administrator Scott Pruitt
1200 Pennsylvania Ave NW
Washington, D.C. 20004

Dear Administrator Pruitt,

On behalf of the United States House of Representatives' Committee on House Administration and the United States Senate's Committee on Rules and Administration, we are pleased to invite you to speak at the *2018 Congressional Summer Intern Lecture Series*.

Each year, Congress invites prominent leaders in their respective fields to speak to its current class of summer interns. Lectures range from policy discussions on current issues to insights gained from the speaker's personal experience. We would be honored to have you among the group of distinguished guests participating in the *Congressional Summer Intern Lecture Series* this year.

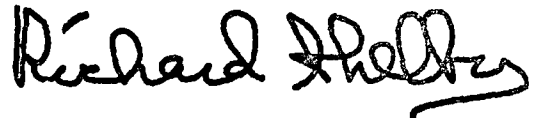
We are currently planning this summer's lecture series, which will run from June 4, 2018, to August 3, 2018. Each lecture lasts approximately one hour and is considered off-the-record. To schedule a date and time to participate in the lecture series or for more information, please contact Courtney Parella at the Committee on House Administration by phone (202) 225-8281 or email: Courtney.Parella@mail.house.gov.

Thank you for considering this invitation.

Sincerely,



Gregg Harper
Chairman
Committee on House Administration



Richard C. Shelby
Chairman
Senate Committee on Rules & Administration



Robert A. Brady
Ranking Member
Committee on House Administration



Amy Klobuchar
Ranking Member
Senate Committee on Rules & Administration

Angela

Congress of the United States
Washington, DC 20515

March 8, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Pruitt;

We welcome the Environmental Protection Agency (EPA)'s reevaluation of the current Lead and Copper Rule (LCR) that is more than 25 years old. With more than 18 million Americans being served by water systems in violation of the current LCR and more than 5,300 communities with unsafe drinking water, we request the LCR be overhauled to require full replacement of all lead service lines and to enforce fair and unbiased testing methods that cannot be creatively circumvented.

Childhood lead exposure can have devastating long-term consequences. The current "acceptable" level of lead exposure is two micrograms of lead per deciliter, and anything over five micrograms is considered "unacceptable," but even small amounts of lead can cause serious health problems. The impact of lead poisoning ranges from reductions in cognitive function, developmental delays, behavior modification, learning disabilities, seizures, comas, and even death. Furthermore, as we've seen across the nation, lead poisoning continues to disproportionately impact low-income areas and communities of color, contributing to racial, health, and economic disparities across the country.

Hundreds of thousands of children aged one to five years old in the U.S. have blood lead levels above five micrograms per deciliter, 150 percent above acceptable levels. Water consumption is estimated to contribute 10-20 percent of a child's total lead intake. For formula-fed infants, it is estimated to be 40- 60 percent of a child's lead exposure¹. The effects of lead poisoning on children are especially harmful, and the Centers for Disease Control and Prevention have determined that there is no "safe" level of lead for a child. The annual costs of lead poisoning are over \$50 billion, and these costs are especially regrettable since lead poisoning is entirely preventable.

Across the country, local health departments are grappling with lead exposure in young children, but lack adequate resources to address the issue. In the last year, there have been reports from New York City to the Hawaiian Islands and from Waco to Chicago about local communities dealing with elevated lead levels in children. Nationwide, more than 5,300 water systems violate

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2509614/> -The Lead Industry and Lead Water Pipers "A MODEST CAMPAIGN"; September 2008.

the existing LCR, with several major cities including Philadelphia, Chicago, Milwaukee, Baltimore and Boston reporting water systems with lead concentrations well above the federal limit. Appallingly, testing of school water systems has led to many water fountains being deemed “off limits” and some 30 schools in Newark, New Jersey, have had to turn off their taps entirely.

The citizens of Flint, Michigan, became the poster children of what is actually a nation-wide crisis, and according to the current LCR, they weren’t even in violation of the current rule. Many lead violations across the country have long-been covered up by intentional use of monitoring techniques that avoid detecting lead problems. The EPA has allowed these techniques to continue without consequence. EPA is not alone in culpability, state and local agencies that report to the EPA also have blame for failure to properly inspect water systems or to properly document violations, but the EPA must realize that each time they have turned a blind eye to lead violations; they have put millions of children at risk. We must implement strict testing procedures and discourage creative testing strategies that allow failing systems to persist.

Additionally, any changes to the rule must be accompanied by stronger EPA enforcement to ensure compliance with these critical federal protections. Communities will not realize the full benefit of changes to the LCR if they are not being properly implemented by local and state authorities. The EPA cannot know about how these changes are being implemented without a strong and effective monitoring and enforcement regime.

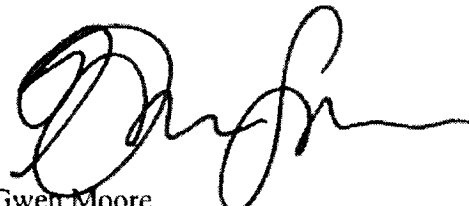
Crumbling infrastructure contributes to many of the lead and copper violations across the nation. A 2016 report from the Government Accountability Office (GAO)², illustrates the extent of the water infrastructure problem. In the older industrial cities, deemed “legacy cities” by GAO, there are declining populations, as well as, high poverty and unemployment rates. They also have crumbling water infrastructure that EPA estimates will take \$655 billion over the next two decades to maintain, upgrade, or replace. Individual states and local municipalities cannot be expected to carry the burden of these costs alone. Federal investment in water infrastructure is needed to truly address this burgeoning problem. Unfortunately, the severe cuts to EPA’s budget, called for in the President’s Budget Request for both FY2018 and FY2019, will only exacerbate the problem. These budget requests not only ignore critical infrastructure needs, but will likely adversely affect monitoring and staffing as well.

Water is a human necessity. Access to safe, clean drinking water should not be defined by the zip code a child grows up in. We welcome EPA’s effort to revise and improve this outdated rule to ensure our children grow up healthy and safe.



Louise M. Slaughter
Member of Congress

Sincerely,



Gwen Moore
Member of Congress

² United States Government Accountability Office *Water Infrastructure: Information on Selected Midsize and Large Cities with Declining Populations* 2016.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 17 2018

OFFICE OF WATER

Office of the Honorable Louise M. Slaughter
House of Representatives
Washington, D.C. 20515

Dear Office of Congresswoman Slaughter:

Thank you for the Congresswoman's March 8, 2018, letter to the U.S. Environmental Protection Agency, regarding the Lead and Copper Rule (LCR).

First of all, I would like to extend my thoughts and prayers to the Congresswoman's family and to your office upon her passing last month.

We appreciate the Congresswoman's interest in the EPA's work and more specifically in the EPA's efforts to improve public health protections provided by the LCR. Protecting children from exposure to lead is a top priority for the EPA. The agency has received recommendations from the National Drinking Water Advisory Council and other interested stakeholders regarding revisions to the LCR. In addition, the agency recently completed an updated federalism consultation with state, tribal, and local government partners to seek their input on the opportunities and challenges to improving public health protection provided by the LCR. The agency is considering all recommendations and input as we move forward with development of the proposed revisions as expeditiously as possible.

While the work to revise the LCR continues, the EPA is also working with our state partners and public water systems to strengthen implementation of the current rule. The agency also recognizes the importance of updating our nation's water infrastructure, especially with regards to lead in drinking water systems. The fiscal year 2018 Omnibus Appropriations Act includes an additional \$300 million for the EPA's Drinking Water State Revolving Fund, totaling \$1.163 billion for the fiscal year 2018 funding levels. The bill also includes an additional \$63 million for the Water Infrastructure Finance and Innovation Act (WIFIA), which reflects strong support for efforts across the country to remove lead pipes that may leach lead into the nation's drinking water, as well as to ensure small and disadvantaged communities have access to safe water. On April 4, 2018, the agency announced the availability of an additional round of WIFIA funding, which could provide as much as \$5.5 billion in loans and leverage over \$11 billion in water infrastructure projects. This year's notice of funding availability (NOFA) solicits letters of interest from prospective borrowers seeking WIFIA credit assistance and highlights the importance of protecting public health by reducing exposure to lead and other contaminants in drinking water systems and updating the nation's aging infrastructure. More information about the NOFA is available on the EPA's WIFIA website at <https://www.epa.gov/wifia>.

In addition, the Omnibus provides funding for three new EPA drinking water grant programs authorized by the 2016 Water Infrastructure Improvements for the Nation Act, including \$20 million to small and disadvantaged communities for developing and maintaining infrastructure, \$10 million for lead

reduction projects, and \$20 million for voluntary testing of drinking water in schools and daycare centers.

Finally, the agency is also working with its federal partners to reduce childhood lead exposures from all sources in order to eliminate associated health impacts. On February 15, 2018, Administrator Pruitt chaired a meeting of members of the President's Task Force on Environmental Health Risks and Safety Risks to Children to commit to a collaborative, multi-federal agency approach to reduce childhood lead exposure across the country.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at Klasen.Matthew@epa.gov or (202) 566-0780.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Ross", with a long horizontal flourish extending to the right.

David P. Ross
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 17 2018

The Honorable Gwen Moore
House of Representatives
Washington, D.C. 20515

OFFICE OF WATER

Dear Congresswoman Moore:

Thank you for your March 8, 2018, letter to the U.S. Environmental Protection Agency, regarding the Lead and Copper Rule (LCR). We appreciate your interest in the EPA's efforts to improve public health protections provided by the LCR.

Protecting children from exposure to lead is a top priority for the EPA. The agency has received recommendations from the National Drinking Water Advisory Council and other interested stakeholders regarding revisions to the LCR. In addition, the agency recently completed an updated federalism consultation with state, tribal, and local government partners to seek their input on the opportunities and challenges to improving public health protection provided by the LCR. The agency is considering all recommendations and input as we move forward with development of the proposed revisions as expeditiously as possible.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matt Klasen in the EPA's Office of Congressional and Intergovernmental Relations at Klasen.Matthew@epa.gov or (202) 566-0780.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Ross", with a horizontal line extending from the end of the signature.

David P. Ross
Assistant Administrator

Eades, Cassandra

Attachments: PR-022847 - Sen. John Thune with 4 signees - Mar 15 18 - waiver cap on R....pdf

From: FN-WHO-Document Tracking Unit <FN-WHO-DocumentTrackingUnit@who.eop.gov>

Sent: Friday, March 23, 2018 3:41 PM

To: EPAExecSec

Subject: Case ID#PR-022847 - Sen. John Thune with 4 signees letter dated Mar 15 18

**THE WHITE HOUSE
OFFICE OF RECORDS MANAGEMENT
DOCUMENT MANAGEMENT AND TRACKING UNIT**

Please see attached letter addressed to the President from Congressional Member(s).

To: Environmental Protection Agency

Action Requested: Appropriate Action

Please send a copy of response or draft response for signature (if one is requested) to the Document Management and Tracking Unit mailbox, FN-WHO-DOCUMENTTRACKINGUNIT@WHO.EOP.GOV. include any additional comments and/or actions taken by your agency. If more information is needed call (202) 456-2590.

United States Senate

WASHINGTON, DC 20510

March 15, 2018

President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President,

We appreciate your commitment to the Renewable Fuels Standard (RFS) and your earnest leadership in pursuing a win-win solution for the biofuels and refinery industries. The RFS is a key driver of economic growth and jobs across rural America. It expands markets for key commodities like corn, sorghum, and soybeans grown all across the country and is extremely important to the economic well-being of our constituents.

We are opposed to applying a “waiver cap” mechanism of any kind to the RFS. A waiver cap is designed to abruptly drive down the price of Renewable Identification Numbers (RINs) by reducing the amount of biofuels produced. The proposed waiver credit would replace gallons of manufactured biofuels with paper credits. Enacting such a policy makes it impossible for you to honor your commitment of a 15 billion gallon RFS.

Recently, an economic study commissioned by Valero became publicly available and projects outcomes in line with our expectations. The study states, “*a recent proposal of a \$0.10 per RIN waiver credit price would only be used for replacing RINs required beyond the blend wall.*” In other words, the \$0.10 RIN waiver is intentionally designed to limit the RFS to 10% ethanol blends. Implementing such a waiver would result in a significant reduction of higher blends of ethanol like E15 and E85, as well as biodiesel. In many areas, those fuels would be eliminated from the marketplace. Let there be no doubt—the consequences of a waiver would be severe and immediate across the Midwest, impacting farmers and biofuel stakeholders alike.


There are a number of options available that reduce RIN prices without intentionally undermining the RFS if that is the ultimate policy goal. As we all know from basic economics, if the price of an item needs to go down, producing more of that item is the simple solution. Therefore, we have suggested several true win-win solutions, such as allowing E15 to be sold year-round and generating more RINs, as constructive ways to lower RIN prices while still honoring your commitment to 15 billion gallons of biofuels.

We feel it is very important to let you know our strong opposition to placing a waiver cap on RINs that is intentionally designed to undermine our shared commitment of 15 billion gallons of annual biofuels production. We therefore request a meeting with you at your earliest convenience to discuss the harm a RIN waiver cap would impose on the American agriculture

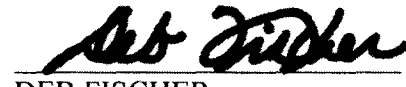
sector, as well as offer constructive solutions that represent the win-win solutions you are seeking.

We appreciate your continued leadership on this issue and look forward to working with you.


Sincerely,



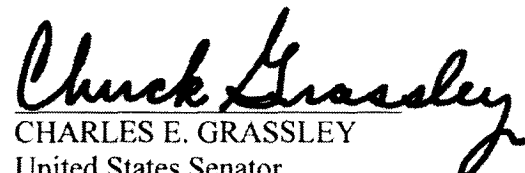
JOHN THUNE
United States Senator



DEB FISCHER
United States Senator



ROY BLUNT
United States Senator



CHARLES E. GRASSLEY
United States Senator



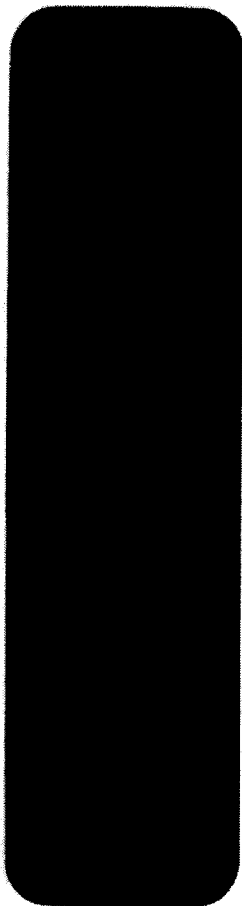
JONI K. ERNST
United States Senator

United States Senate

WASHINGTON, DC 20510-4105

OFFICIAL BUSINESS

John Thune
U.S.S.



DAVID B. MCKINLEY, P.E.

1ST DISTRICT, WEST VIRGINIA

2239 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515

TEL: (202) 225-4172

FAX: (202) 225-7564

www.mckinley.house.gov

COMMITTEE ON
ENERGY AND COMMERCE

SUBCOMMITTEE ON
ENVIRONMENT
VICE CHAIR

SUBCOMMITTEE ON
ENERGY

SUBCOMMITTEE ON
DIGITAL COMMERCE AND CONSUMER PROTECTION

Secretary Pruitt

US Environmental Protection Agency Headquarters

William Jefferson Clinton Building

1200 Pennsylvania Avenue, N. W.

Mail Code: 1101A

Washington, DC 20460

Congress of the United States House of Representatives

March 7, 2018

CHAIRMAN,
CONGRESSIONAL COAL CAUCUS

CO-CHAIR,
CONGRESSIONAL BUILDING TRADES CAUCUS

CO-CHAIR,
CONGRESSIONAL ARTHRITIS CAUCUS

CO-CHAIR,
CONGRESSIONAL YOUTH CHALLENGE CAUCUS

CO-CHAIR,
HIGH PERFORMANCE BUILDINGS CAUCUS

CO-CHAIR
CONGRESSIONAL HEARING HEALTH CAUCUS

CO-CHAIR
CONGRESSIONAL PENSION PROTECTION CAUCUS

Re: Strong Support the City of Weirton's Revitalization Fund Application

Dear Secretary Pruitt,


This letter is to express my strong support for the City of Weirton's efforts to cleanup and revitalize polluted brownfields sites from decades of steel, coal, and industrial contamination. This Brownfields Cleanup Revolving Loan Fund application is critical to providing new opportunities for advanced manufacturing, new business, and jobs in the Northern Panhandle of West Virginia.

Weirton and West Virginia have been hit particularly hard from the decline of the coal industry, and brownfields are an unfortunate legacy that has held back the region. Yet, Weirton is now ready to use this funding to spark new economic opportunity and job creation. Weirton has built public, private, and non-profit partnerships to efficiently advance key sites and leverage additional resources for revitalization and growth.

Weirton has an especially successful track record of leveraging taxpayer dollars. Brownfield projects national leveraged \$16.11 for every EPA dollar spent while the Weirton area attracted \$35 of investment for every EPA dollar spent with previous Brownfield projects.

Please accept this letter as evidence of my support for the City of Weirton's application for U.S. EPA Revolving Loan Fund resources to revitalize the city and the surrounding region. If you have any questions, please do not hesitate to contact my policy advisor Lou Hrkman in our Washington office at 202-225-4172.

Sincerely,



David B. McKinley, P.E.
Member of Congress

Cc: David Lloyd Director, Brownfields & Land Revitalization
& The Honorable Cosmo Servidio Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 23 2018

The Honorable David B. McKinley
U.S. House of Representatives
Washington, D.C. 20515

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

Dear Congressman McKinley:

Thank you for your letter of March 7, 2018, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the city of Weirton, West Virginia. I appreciate your interest in the Brownfields Program and your support of this proposal.

The Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 740 grant proposals. From these proposals, the EPA announced the selection of approximately 280 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (September 2017)*, posted on our brownfields website at www.epa.gov/brownfields. Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the city of Weirton will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

A handwritten signature in dark ink, appearing to read "Barry N. Breen", is written over a horizontal line.

Barry N. Breen
Acting Assistant Administrator

United States Senate

WASHINGTON, DC 20510

March 12, 2018

The Honorable Scott Pruitt
Administrator
U.S Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Dear Mr. Administrator:

We write to express our alarm with the Environmental Protection Agency's (EPA) announcement that it seeks to open up for reconsideration two federal safeguards vital to the protection of the children, women and men that labor in agriculture and apply chemicals in agricultural, commercial and residential settings. With the lives of children and families across the country at stake, we urge you to preserve the protections provided by the final Agricultural Worker Protection Standard rule (WPS) and Certification of Pesticide Applicators rule (CPA) (as published in the Federal Register on November 2, 2015 and January 4, 2017, respectively), and to resolve any clarifications needed by the regulated community via additional guidance on the rules.

We recognize the important role that pesticides play in the United States, particularly in the agricultural sector. However, precautions must be taken to safeguard the public and the most exposed and vulnerable populations from pesticide related illness, injury and death caused by these potentially toxic chemicals. To this end, the EPA finalized revisions to the WPS in the fall of 2015, and the CPA rule in January 2017.

To understand the relevance of these two rules, we must first acknowledge the people whose lives they protect and how their training and wellbeing is inextricably linked to our health and safety. The WPS applies to workers and pesticide handlers that labor in farms, fields, nurseries, greenhouses and forests. The CPA rule governs the training and certification requirements of workers who apply Restricted Use Pesticides (RUPs) in, on, or around settings such as homes, schools, hospitals and industrial establishments. These rules protect not only the workers that handle and are exposed to pesticides, but also areas around agricultural land and the children who may incidentally come in contact with the pesticides. From our homes to children's schools and agricultural operations across the nation, these federal protections safeguard our families and weakening them undermines the health and safety of all.

We are concerned that the EPA is unjustifiably reconsidering the minimum age protections that prohibit children from applying pesticides, the right of farmworkers to access pesticide-application information and Safety Data Sheets (SDS) through a designated representative, and protections for bystanders through "application exclusion zones," which requires that an applicator suspend pesticide application if "an unprotected/non-trained person" enters the area around the application equipment. We strongly feel that undermining these important protections cannot be justified, especially considering that the CPA rule governs the training and certification requirements for using RUPs in, on, or in residential settings, schools, hospitals, and industrial establishments.

RUPs are the most toxic pesticides on the market, and their misuse has resulted in serious harm and death. These pesticides are not available for purchase by the general public because they have "the potential to cause unreasonable adverse effects to the environment and injury to applicators or bystanders without added restrictions." RUPs can only be used by an individual that is a certified pesticide applicator or is under the direct supervision of a certified applicator. These rules were revised to prevent farmworker poisonings and in the aftermath of pesticide misuse that led to serious harm for hundreds of homeowners and their families, and resulted in the tragic deaths of children. These tragic incidents – all of which could have been prevented with stronger safeguards in place – highlight the significance of ensuring that workers who handle pesticides are adequately trained and understand the hazards posed by the chemicals that they are applying so that they can effectively protect themselves and others from occupational and take-home exposures.

Congress specifically intended for the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to protect workers and other persons from occupational exposure directly to pesticides or to their residues. Honoring this mandate is crucial to protecting the health and safety of rural communities and the broader public since it is up to the EPA and not the Occupational Safety and Health Administration to set minimum protections from pesticide exposure. Furthermore, without the life-saving requirements provided by the WPS and CPA rules, there is little to deter the unlawful use of hazardous pesticides since FIFRA only authorizes a misdemeanor charge even when pesticide misuse results in death.

Additionally, the agency is ignoring the advice of the Pesticide Program Dialogue Committee—a broadly representative federal advisory committee—that met to discuss these rules, raised the importance of education for the regulated community while echoing consensus about the preservation of the minimum age requirements, the designated representative provision, and the application exclusion zone to protect workers and bystanders from pesticides.

To set the record straight on misleading concerns about these fundamental requirements:

- The new rules prohibit employers from requiring youth under the age of 18 from applying pesticides or performing "early-entry" work in areas where pesticides were recently applied. This is extremely important because pesticides can impact developing brains and bodies. There are currently half a million children under the age of 18 working in agriculture, including some as young as elementary school age. The minimum age requirement in both rules accounts for the needs of family-owned businesses and operators by exempting immediate family of the owner-operator of agricultural establishments, and private or commercial pesticide applicator businesses. Specifically, "immediate family" is broadly defined to include the "owner's spouse, parents, step parents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins."
- The designated representative provision is critically important because there are many reasons why a worker may be unable to access information about the chemicals that they are exposed to, including but not limited to educational and language barriers as well as immigration status, illness or injury. This commonsense safeguard has been denied to farmworkers while workers in other industries have had these protections for decades. The safety information that would be accessible by a designated representative would be non-confidential, non-proprietary information about the pesticide a worker has been exposed to. There are several examples of injured farmworkers who have been denied access to safety information after injury. These farmworkers should be able to access this information on their own or through a representative that they trust, such as a co-worker, spouse, healthcare provider, union representative, social worker, or attorney.
- The application exclusion zone merely requires the common-sense precaution that if someone is applying pesticides and sees workers or other people around the equipment, they should try to avoid spraying them by suspending the application and resuming after a non-trained and unprotected person leaves the area. EPA does not account for workers or bystanders being sprayed with pesticides when it conducts risk assessments or registration decisions because it "assumes" that these exposures do not happen. Yet it is taking steps to undo one of the most meaningful safeguards against such exposures.

We ask that you protect the health and safety of children, workers, and consumers by preserving the final Agricultural Worker Protection Standard and the Certification of Pesticide Applicators rule. We look forward to receiving your response.

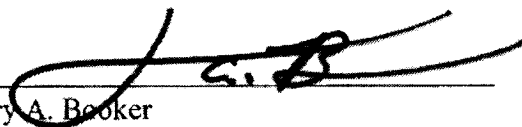
Respectfully,



Tom Udall



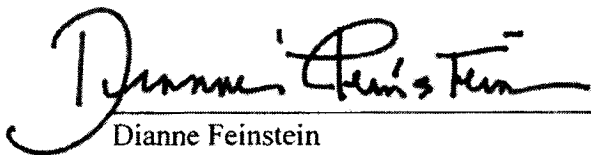
Kamala D. Harris



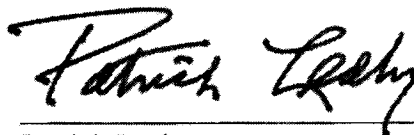
Cory A. Booker



Richard Blumenthal



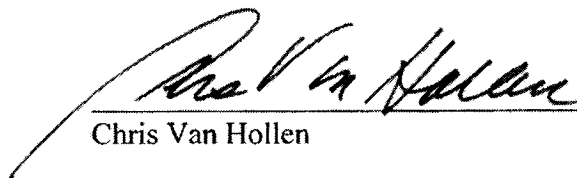
Dianne Feinstein



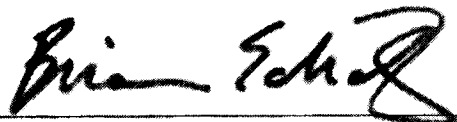
Patrick Leahy



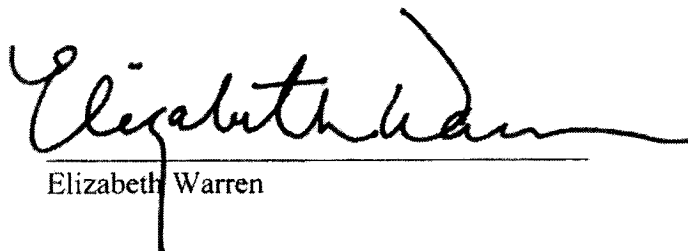
Richard J. Durbin



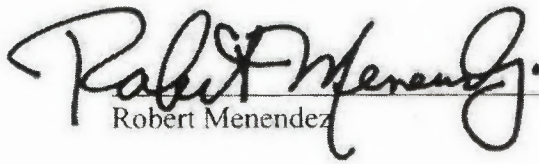
Chris Van Hollen



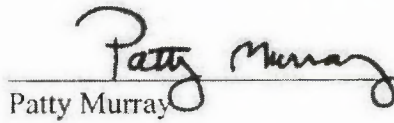
Brian Schatz

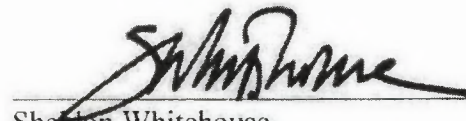


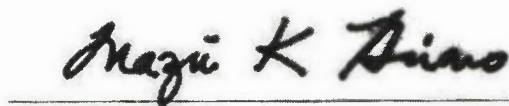
Elizabeth Warren

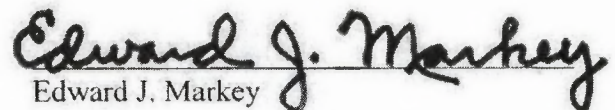

Robert Menendez

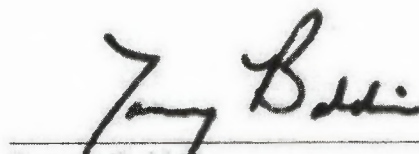

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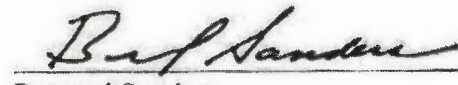

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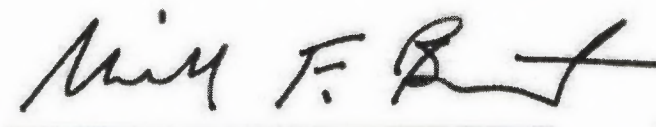

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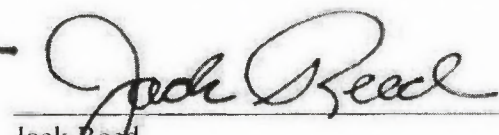

Mazie K. Hirono

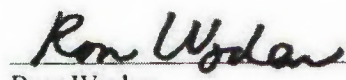

Edward J. Markey

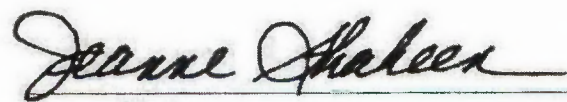

Tammy Baldwin

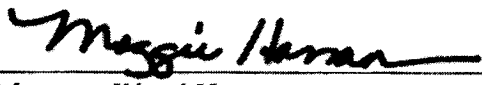

Bernard Sanders


Michael F. Bennet

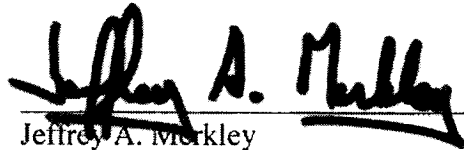

Jack Reed


Ron Wyden

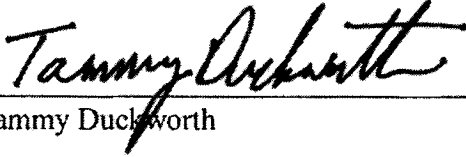

Jeanne Shaheen



Margaret Wood Hassan



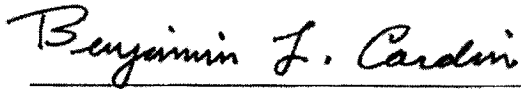
Jeffrey A. Morkley



Tammy Duckworth



Martin Heinrich



Benjamin L. Cardin



Maria Cantwell

Congress of the United States
House of Representatives
Washington, DC

March 29, 2018

Nichole Distefano
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue NW Room 3426 ARN
Washington, DC 20460-0001

Dear Administrator Distefano:

Enclosed is correspondence I received from (b) (6) (b) (6) and his son (b) (6) a.

The (b) (6) would like to develop land they own in the Town of Whitestown, Oneida County, New York. The construction project would require 1.92 acres of fill in a scrub-shrub wetland at the junction of Halsey and Judd Roads.


The (b) (6) have received permission from the NYSDEC to develop this parcel but would like the permission of the U.S Environmental Protection Agency as well. They claim they sent an application in 2003.

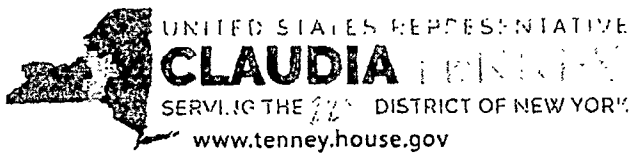
The (b) (6) have asked that I forward this information to you for your full and fair consideration, consistent with applicable law, rules and regulations. As I have no independent knowledge of the facts, any and all factual assertions are those of the (b) (6). Any information you could provide regarding their concerns would be greatly appreciated.

Please respond to Samantha Field from my New Hartford District Office.

Thank you for your time and attention in this matter.

Sincerely,


Claudia Tenney
Member of Congress



CONFIDENTIALITY RELEASE
Before our office can assist you,
please fill out and return this form.

Our office can provide you with assistance when dealing with a range of federal issues and agencies. Whether you need help with Social Security and Medicare benefits or need to check the status of a claim with the VA, we can help. Our office can obtain the status of pending cases, expedite answers to important questions, or help track down missing information.

To initiate a case, please fill out this privacy release form and send it to the appropriate office checked below. Please note that the Privacy Act of 1974 (5 U.S.C. § 552a) requires that Members of Congress or their staff have written authorization before they can obtain information from you about an individual's case.

Once completed, please send this form and supporting documentation to the corresponding office checked below.

☒ New Hartford District Office
555 French Road, Suite 101
New Hartford, NY 13413
Phone: 315-732-0713

☐ Binghamton District Office
49 Court Street, Suite 210
Binghamton, NY 13901
Phone: 607-376-6002

PRIVACY AUTHORIZATION

(b) (6)

Please Print Name

authorize the Office of Representative Claudia Tenney

(22nd District, New York) to contact and share my correspondence and/or information with any federal agency or relevant organization on my behalf to receive information and/or records pertaining to me.

Date:

March 15, 2018

Signature:

(b) (6)

Spouses Signature (if applicable):

PERSONAL DETAILS

Please provide us with the requested personal information to help us better process your inquiry.

Prefix: Mr. ☒ Mrs. ☐ Ms. ☐ OTHER (Please specify:)

Name:

(b) (6)

Date:

(b) (6)

Mailing Address:

(b) (6)

City:

(b) (6)

1. The first part of the report is a general description of the project and its objectives. It includes a brief history of the project and a statement of the problem to be solved.

2. The second part of the report is a detailed description of the methodology used in the study. It includes a description of the data collection methods and the statistical analysis techniques used.

3. The third part of the report is a discussion of the results of the study. It includes a description of the findings and a comparison of the results with previous research.

4. The fourth part of the report is a conclusion and a list of references. It includes a summary of the main findings and a list of the sources used in the study.

Home Phone: (b) (6) Email: _____
Cell Phone: (b) (6) Please check here to opt out of email updates from Representative Tenney. ☐
Work Phone: _____
Date of Birth: _____ Social Security Number: _____
Other Identification Numbers (VA, Service Number, etc.): _____
Alternate/Season Address: _____

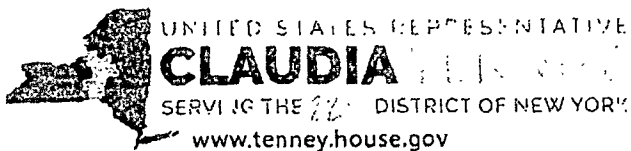
CASEWORK INFORMATION

Please provide us with the necessary casework information to initiate your inquiry for assistance.

Agency Involved: _____

Explanation of Assistance Desired:

Help to be granted a permit to fill in a wetland regulated by the Army Corps of Engineers in the town of (b) (6)



Before our office can assist you,
please fill out and return this form.

Our office can provide you with assistance when dealing with a range of federal issues and agencies. Whether you need help with Social Security and Medicare benefits or need to check the status of a claim with the VA, we can help. Our office can obtain the status of pending cases, expedite answers to important questions, or help track down missing information.

To initiate a case, please fill out this privacy release form and send it to the appropriate office checked below. Please note that the Privacy Act of 1974 (5 U.S.C. § 552a) requires that Members of Congress or their staff have written authorization before they can obtain information from you about an individual's case.

Once completed, please send this form and supporting documentation to the corresponding office checked below.



New Hartford District Office
555 French Road, Suite 101
New Hartford, NY 13413
Phone: 315-732-0713



Binghamton District Office
49 Court Street, Suite 210
Binghamton, NY 13901
Phone: 607-376-6002

PRIVACY AUTHORIZATION

I, **(b) (6)**, authorize the Office of Representative Claudia Tenney
(22nd District, New York) to contact and share my correspondence and/or information with any federal agency or relevant organization on my behalf to receive information and/or records pertaining to me.

Date: **(b) (6)** Signature: **(b) (6)**
Spouses Signature (if applicable): _____

PERSONAL DETAILS

Please provide us with the requested personal information to help us better process your inquiry.

Prefix: _____ Mr. ☒ Mrs. _____ Ms. _____ OTHER (Please specify: _____)

(b) (6)

Home Phone: _____ Email: _____

Cell Phone: _____

Please check here to opt out of email updates from Representative Tenney.

☐

Work Phone: _____

Date of Birth: _____ Social Security Number: _____

Other Identification Numbers (VA, Service Number, etc.): _____

Alternate/Season Address: _____

CASEWORK INFORMATION

Please provide us with the necessary casework information to initiate your inquiry for assistance.

Agency Involved: _____

Explanation of Assistance Desired:

Help to be granted a permit to fill in wetlands
regulated by the Army Corps of Engineers in the
town of (b) (6)

(b) (6)

US Dept of the Army
Buffalo District, Corps of Engineers
Attn; Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207-1399

Re: Section 404 Wetlands application

(b) (6)

p.

Gentlemen,

On behalf of (b) (6) owners of two adjacent properties on (b) (6) Road in the Town of (b) (6), we are forwarding the enclosed Section 404 Wetlands application for your review, and if acceptable, for your approval. A permit is requested to place fill materials in the waters of the United States.

This submittal includes the following items:

- NYS/USACE form "Joint Application Form".
- Drawings (8.5x11); Location Map, Site Plans, Sections (5 sets)
- Drawing (24x36, 1=50 scale) Site Plan (1 copy)
- "Supplemental Information" document, (5 sets)
- "Statement of Authorization" (1 copy)
- NYS Short Environmental Assessment Form (5 sets)
- Photographs of existing site (2 sets)

Feel free to contact me at (b) (6) should you have any questions or need additional information.

Very truly yours,

(b) (6)

(b) (6)

(b) (6)

(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)



Below the redaction box, a portion of a table is visible. The table has multiple columns and rows, with some text visible in the first column, including the word 'NAME'.

(b) (6)





DEPARTMENT OF THE ARMY
BUFFALO DISTRICT
1776 NIAGARA STREET
BUFFALO, NY 14207-3199

REPLY TO
ATTENTION OF

October 9, 2003

Regulatory Branch

SUBJECT: Department of the Army Application No. [REDACTED] (b) (6)

(b) (6)

Enclosed are letters received in response to [REDACTED] (b) (6)
request for a Department of the Army permit.

Please respond in writing to the issues raised in the letters from the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, New York State Department of Transportation and the comments from an adjacent landowner.

Your response is requested within 10 (ten) days. If you do not respond, I will assume that you are in agreement with the issues raised and I will make my decision on your application based on the information contained in the administrative record.

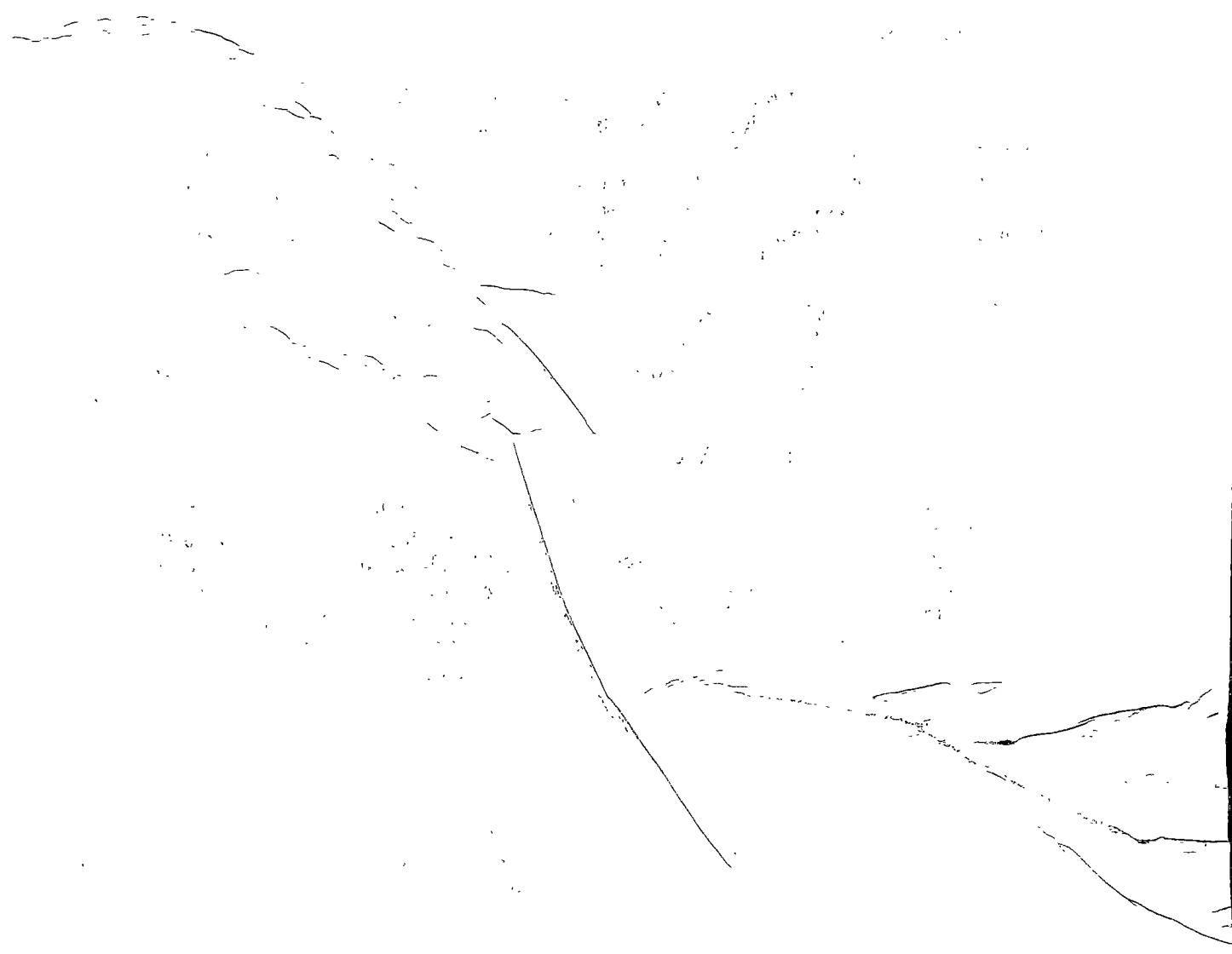
A copy of this letter has been forwarded to [REDACTED] (b) (6) [REDACTED] (b) (6).

Questions pertaining to this matter should be directed to me at [REDACTED] (b) (6), by writing to the following address: U.S. Army Corps of Engineers, 7413 County House Road, Auburn, New York 13021-8964, or by e-mail at: [REDACTED] (b) (6).

Sincerely,

(b) (6)

Enclosures





United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



September 18, 2003

Lt. Colonel Jeffrey Hall
District Engineer, Buffalo District
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, NY 14207

Attention: (b) (6)

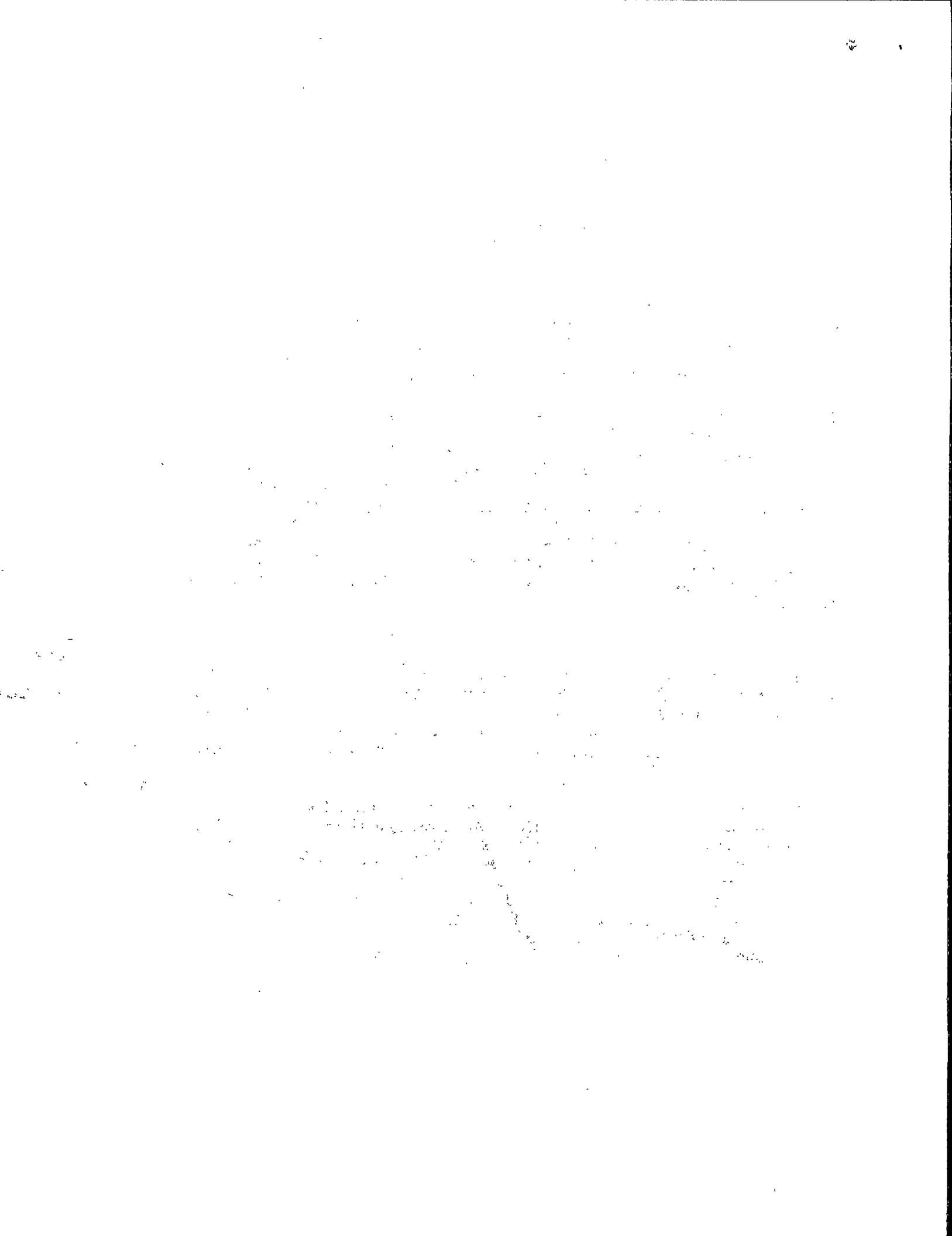
Dear Colonel Hall:

The U.S. Fish and Wildlife Service (Service) has reviewed Public Notice (PN) No. 2002-00376(1) dated August 20, 2003. The applicant (b) (6), proposes to construct a self-storage facility and office space in the Town of Whitestown, Oneida County, New York. The project would impact an intermittent stream and approximately 1.92 acres of primarily scrub-shrub wetland. An additional 0.3 acres (estimated) has already been filled by the applicant. The applicant proposes to purchase 13.1 acres of purple loosestrife (*Lythrum salicaria*) dominated wetland and associated lands adjacent to the Erie Canal.

This is the report submitted by the Service and the Department of the Interior pursuant to, and in accordance with, provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Aquatic Habitat and Project Impacts

The wetlands and intermittent stream are located in the headwaters of Oriskany Creek, a coldwater stream that is stocked with brown trout (*Salmo trutta*) by the New York State Department of Environmental Conservation (NYSDEC). These wetlands, which are part of a complex that covers approximately 30 acres based on a review of aerial photos, help maintain the water quality and flow regime in Oriskany Creek. Although the emergent marsh near the roadway and adjacent to the filled wetlands supports some common reed (*Phragmites australis*), the remaining portion of the wetland supports native plant species such as red maple (*Acer rubrum*), green ash (*Fraxinus pennsylvanica*) and silky dogwood (*Cornus amomum*) with high value to wildlife. The dense vegetation at various strata and water regimes are considered to be primary factors influencing the quality of these habitats for wildlife species. Golet *et al.* (1993) listed 24 species of amphibians, 18 species of reptiles, 119 species of birds, and 49 species of mammals using forested wetlands in the northeastern United States. The interspersed of the forested and scrub-shrub wetland habitats would make the complex suitable for a wide variety of species. Other functions that are likely to be provided by the wetlands in the project area include floodflow alteration, nutrient removal/retention, production export, and visual quality/aesthetics.



The proposed action will indirectly affect wetlands and waterbodies downstream of the project area. During the Service's and the U.S. Army Corps of Engineers' review of the New York State Department of Transportation's (NYSDOT) Judd Road Extension project, we and other resource agencies determined that the wetland complex provided high quality wildlife habitat and the wetland impacts associated with the road extension should be minimized, and unavoidable impacts be mitigated on site to preserve as much of the wetland complex as practicable. The proposed wetland fill is upslope from the remaining wetlands and NYSDOT's mitigation site. The storage/office facility and associated impervious surfaces will alter the hydrology of the mitigation area and the remaining wetlands.

The Service is also concerned about the cumulative effects of development in the vicinity of the project. The Judd Road Extension project will result in significant wetland impacts and may lead to additional development, with the associated hydrologic alterations and further habitat fragmentation. The additional loss of habitat and increase in habitat fragmentation represent indirect impacts that would further degrade this wetland complex.

The project purpose, construction and operation of a self-storage and office facility, is clearly not a water-dependent activity. Thus we recommend that the Corps require a more thorough off-site alternative analysis to enable the Corps to determine whether this project at this location is the least environmentally-damaging practicable alternative. Other sites appear to be available within the vicinity of the project area and along State Route 233 in Kirkland that are of sufficient size and accessible to potential customers. These sites may have fewer adverse effects on important aquatic resources and should be evaluated by the applicant. Analysis of these effects should include direct, indirect, and cumulative effects. Should this site be the least environmentally-damaging practicable alternative, we recommend that the Corps require the applicant to demonstrate that all practicable measures have been employed to minimize unavoidable impacts at this site.

Mitigation

The Service is concerned about the proposed compensatory mitigation. It is unclear how the acquisition of these wetlands will replace the functions and values provided by the wetlands in the project impact area for several important reasons. Not only are the mitigation wetlands located outside the Oriskany Creek watershed, but they are a different wetland type, predominantly emergent wetlands, in contrast to the wetlands proposed for impacts, which are primarily scrub-shrub and forested.

We concur with the Corps discussion regarding replacement of lost wetland functions and values contained on page 3 of the February 11, 2003, letter written by the Corps to Mr. (b) (6) a. We strongly support use of preservation of existing wetlands only in exceptional circumstances and when included as part of a mitigation package that addresses and avoids a net loss of wetland value and function. Furthermore, the lands proposed for purchase by the applicant are dominated by purple loosestrife, an exotic/invasive weed with low wildlife value. No information was provided in the PN that would indicate that the NYSDEC had definitive plans to enhance the purchased wetlands to increase their wildlife value. In the absence of any identified threat of loss or degradation of the mitigation site, nor long-term commitment to funding control and

management of the exotic species, we do not believe that the proposed mitigation would compensate for the wetland loss associated with the proposed project.

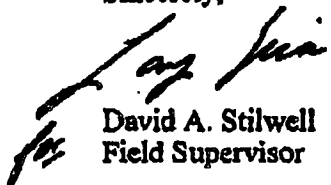
Conclusion

The Service recommends that the District Engineer deny this permit. Due to the natural resource value of the wetland habitats, we regard them as aquatic resources of National importance. It is our opinion that the proposed project may result in substantial and unacceptable impacts to aquatic resources of National importance, as defined in Paragraph 1, Part IV of the 1992 Memorandum of Agreement (MOA) between the Department of the Army and the Service regarding Section 404 (q) of the Clean Water Act. As outlined in Part IV, Section 3 of the MOA, please have your staff contact the New York Field Office in order to resolve any outstanding issues during the 25-day period following the closure of the Public Notice comment period.

This recommendation may be reconsidered if the applicant identifies a project site in an area with fewer aquatic resources in the project area, or is able to significantly reduce impacts, and proposes suitable mitigation to compensate for any remaining unavoidable impacts to fish and wildlife habitat and waters of the United States.

We hope these comments are useful in your project evaluation. Please contact Alex Chmielewski at 607-753-9334 if there are any questions regarding this letter.

Sincerely,


David A. Stilwell
Field Supervisor

Literature Cited:

Golet, F.C., A.J.K. Calhoun, W.R. DeRagon, D.J. Lowry, and A.J. Gold. 1993. Ecology of Red Maple Swamps in the Glaciated Northeast: A Community Profile. Biological Report 12. Department of the Interior, Fish and Wildlife Service, Washington, D.C. 151 pages.

cc: NYSDEC, Watertown, NY (Env. Permits)
EPA, Chief, Water Programs Division, New York, NY
FWS, Hadley, MA (M. Snyder)



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
207 GENESEE STREET
UTICA, NEW YORK 13501

RECEIVED
SEP 22 2003
BY: *Auburn FO*

MARK SILO, P.E.
REGIONAL DIRECTOR

JOSEPH H. BOARDMAN
COMMISSIONER

Design Group: (315) 793-2429

September 19, 2003

Sandra L. Doran
U. S. Army Corps of Engineers
7413 County House Road
Auburn, NY 13021-8964

Dear Ms. Doran:

Re: USACOE Public Notice (b) (6)
Applicant: (b) (6)
Town of Whitestown, Oneida County

Thank you for the opportunity to review the referenced project application. On behalf of New York State Department of Transportation I have the following comments and information to offer.

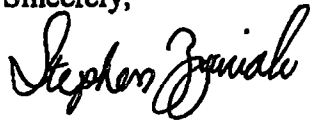
As you may be aware, we have a highway project under construction adjacent to this referenced proposal. Our project was studied under the Judd Road Connector Environmental Impact Study completed in 1997. This study included wetland and water studies that were coordinated and reviewed by your Agency. This project has been permitted by your Agency, Permit No. (b) (6) - (b) (6) proposal includes Wetland Area A (as identified in our studies) and a small secondary headwater tributary to Oriskany Creek. As part of the Judd Road project permitting and mitigation, your Agency expressed strong concern to avoid, minimize, and mitigate impacts to this wetland and drainage. Those efforts were made including replacing wetland and stream channel adjacent to our Judd Road project. This on-site mitigation has included several years of groundwater monitoring and thorough design considerations of replacement wetland and stream channel.

Sandra L. Doran
Page 2
September 19, 2003

If the remaining areas of Wetland Area A and the tributary are permitted and filled as proposed, does it make sense to continue our project mitigation? The intent being that the majority of this wetland and tributary would be eliminated, and therefore, our mitigation to restore our impacts may have limited value with no remaining adjacent wetlands. Lastly, has your Agency reviewed this project proposal in consideration of our project and planned mitigation? Will the (b) (6) (b) (6) proposal require new design considerations for our project or planned mitigation? I have noticed a planned stormwater basin in the proposal, but it is unclear how the hydrology will be changed as a result of this proposal, which in turn may influence our mitigation.

Thank you for the opportunity to comment.

Sincerely,



STEPHEN J. ZYWIAK, P.E.
Regional Design Engineer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

2003 SEP 11 PM 1:06

SEP 09 2003

Thomas C. Switala
Chief, Regulatory Branch
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Dear Mr. Switala:

The U.S. Environmental Protection Agency (EPA) has reviewed Public Notice number 2002-00376(1), concerning an application for a Section 404 permit submitted by (b) (6). The applicant proposes to perform regulated activities in wetlands in the Town of Whitestown, Oneida County, New York.

The proposed development consists of a 120-unit self-storage facility, a two-story office building, parking areas, an access road, and two storm water basins. Construction of the project would require 1.92 acres of fill in predominantly scrub-shrub wetland. To compensate for this wetland loss, 13 acres of purple loosestrife-dominated emergent wetland adjacent to Oriskany Flats Wildlife Management Area would be donated to NYSDEC.

The geographic scope of the off-site alternatives analysis appears to be limited to the junction of (b) (6). This narrow scope places a severe constraint upon the consideration of alternate sites, and this constraint seems rather arbitrary and unnecessary. It is recommended that the universe of potential sites be expanded to encompass the entire town or a multi-town region. Further, (b) (6) is an adjacent 25-acre upland site which might accommodate the planned development. The applicant's consultant, Alan Swierczek, has indicated that Joseph and Stanley Kalwara are "separate entities", but we note that the Corps/NYSDEC joint wetland permit application was signed by both Kalwaras, the proposed mitigation property is owned by (b) (6), and the planned access road will cross (b) (6)'s property. Therefore, we believe it is reasonable to conclude that the present application is a joint venture which includes both (b) (6). As a result, the 25-acre upland parcel should be considered a viable alternate project site.

Based upon our conclusion that the permit application includes an insufficient alternatives analysis, EPA objects to issuance of a Section 404 permit for the (b) (6) If you have any questions regarding this matter, please contact John Cantilli at (212) 637-3810 or cantilli.john@epa.gov.

Sincerely,



Walter E. Andrews, Chief
Water Programs Branch

cc: USFWS, Cortland NY

Army Corp of Engineers

Reply in Reference to RE: (b) (6)

Section N9-404

We are writing to you with great concern about this project. Since this will greatly affect us, we would like you to deny this permit.

Here are our concerns:

Because of the nature of this business we feel there would be run off of oil and gasoline which would pollute the surrounding land.

Also because the majority of people surrounding this property are on wells, we feel the run off will pollute the aquifer.


We also feel that because of the new Judd Rd that the wetlands in this area have been impacted enough since mitigation is not localized, this does not help the animals and birds. You are just filling in existing wetlands and not making new ones so they are lost.

The noise and light pollution from the project would be great. We

line in a rural area and this would ruin the aesthetics of the area.

Since they are filling in wetlands which are adjacent to our property, we are ~~off~~ afraid this would be flooding of our land. We have an organic farm, if there would be flooding, any run off of oil or gas would ruin our

(b) (6)

 does not reside in New York, we feel if something were to happen, this would make it very difficult to make him held responsible.

We hope that ^{you} will see this in our light, and deny him this permit.

Thank you

Michelle and Kent Gobule

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations

$$\frac{dx}{dt} = A(x)u, \quad \frac{dy}{dt} = B(y)v,$$

where $A(x)$ and $B(y)$ are matrices depending on x and y respectively, and u and v are vectors.

2. In the second part we consider the case when the matrices $A(x)$ and $B(y)$ are constant, and we show that the system has a solution if and only if the matrices A and B are commutative.

3. In the third part we consider the case when the matrices $A(x)$ and $B(y)$ are functions of x and y respectively, and we show that the system has a solution if and only if the matrices A and B are commutative.

4. In the fourth part we consider the case when the matrices $A(x)$ and $B(y)$ are functions of x and y respectively, and we show that the system has a solution if and only if the matrices A and B are commutative.

5. In the fifth part we consider the case when the matrices $A(x)$ and $B(y)$ are functions of x and y respectively, and we show that the system has a solution if and only if the matrices A and B are commutative.

6. In the sixth part we consider the case when the matrices $A(x)$ and $B(y)$ are functions of x and y respectively, and we show that the system has a solution if and only if the matrices A and B are commutative.

New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources, Region 6
207 Genesee Street, Utica, New York 13501-2885
Phone: (315) 793-2554 • FAX: (315) 793-2748
Website: www.dec.state.ny.us



February 21, 2002

(b) (6)

Dear Mr. (b) (6)

I would like to thank you very much for your consideration of a land gift to the People of New York State at our Oriskany Flats Wildlife Management Area (WMA) in Oneida County. Management of Oriskany Flats WMA is administered by the New York State Department of Environmental Conservation (NYSDEC). Your land gift of 13.064 acres will contribute very positively towards our goal of habitat enhancement and preservation in this area.

This proposed gift has qualities that make it desirable to us, some of which are:

- Proximity to an existing New York State regulated wetland. Addition to Oriskany Flats Wildlife Management Area would preserve this land for future generations to enjoy.
- The land borders two scenic by-ways, the Conrail RR and the Erie Canal Bike/ Hike Way. Access via this parcel may be gained via the Bike-Way which would allow the use of the property by the public for activities such as hiking or bird watching and will make it easier for Department staff to manage the WMA.
- The property will provide additional quality wildlife habitat and water quality protection which are consistent with our goals and objectives at Oriskany Flats WMA.
- Acquisition would help to protect the historical integrity of the Old Erie Canal corridor.

With your permission, I would like to authorize our Real Property Supervisor to draft a Land Donation Agreement to be executed by you and N.Y.S.D.E.C. that would start the process of transferring this important property to the People of New York State. I currently have the copy of the property description and tax map. In addition, I will need:

1. A letter from you stating your desire to gift this land to The New York State Department of Environmental Conservation.
2. A copy of your deed, maps or abstracts you may have on this property.

FROM :

FAX NO. : 5614330215

Oct. 31 2002 10:33AM P2

I have started a file for this project and have begun some of the initial paperwork to be submitted to Real Property for processing. If you have any questions, please call our Real Property Supervisor, (b) (6). I look forward to hearing from you.

Sincerely,

(b) (6)

Wildlife Biologist
Region 6 - Utica

SRH:wac

United States Senate

WASHINGTON, DC 20510

March 1, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt,

We write in strong support of the Renewable Fuel Standard (RFS) and to urge you to oppose any changes that would undermine the objectives of the standard.

The RFS is an effective driver of economic development. It has strengthened agriculture markets and created hundreds of thousands of jobs in the new energy economy, and driven economic growth in rural communities across the country. A stable RFS reduces our nation's reliance on foreign oil and provides the certainty needed to drive innovation and progress towards advanced biofuels.

President Trump has made his views on the RFS clear. In 2016 he said, "*The RFS...is an important tool in the mission to achieve energy independence for the United States. I will do all that is in my power as President to achieve that goal.*"

During your confirmation hearing, you testified that, "*Any steps that the EPA Administrator takes need to be done in such a way to further the objectives of Congress in that statute, not undermine the objectives of Congress in that statute.*"

These comments and the 2018 Renewable Volume Obligation (RVO) suggest a commitment to a strong RFS program and rural communities across this country. That is why recent comments calling for changes to the standard are troubling. For example, capping or waiving Renewable Identification Numbers (RINs) requirements would fundamentally undermine the objectives of the standard and also contradict recently conducted analyses. The Environmental Protection Agency's findings from the most recent 2018 final rule stated that the "*EPA has invested significant resources evaluating the impact of high RIN prices on refiners. After reviewing the available data, EPA has concluded that... high RIN prices do not cause significant harm to refiners.*"

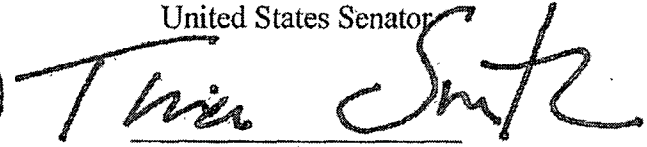
We urge you to reject changes to the RFS that hinder the growth of rural economies. We look forward to working with you on the 2019 rule to ensure continued growth in the U.S. biofuel sector.

Sincerely,



AMY KLOBUCHAR
United States Senator



HEIDI HEITKAMP
United States Senator


CLAIRE McCASKILL
United States Senator



TINA SMITH
United States Senator



RICHARD J. DURBIN
United States Senator


TAMMY BALDWIN
United States Senator


TAMMY DUCKWORTH
United States Senator


DEBBIE STABENOW
United States Senator


JOE DONNELLY
United States Senator


SHERROD BROWN
United States Senator

CC: Secretary Perdue, U.S. Department of Agriculture



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Amy Klobuchar
United States Senate
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

Your letter references the rule that will establish the RFS volume requirement for the 2019 compliance year. Ensuring we meet statutory deadlines under the program is a key element of our RFS implementation, and we are currently on track to finalize the 2019 standards by November 30, 2018. EPA is currently developing the proposed 2019 rule, and our goal is to issue that proposal in the late spring or early summer.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read "W L Wehrum", is written over a horizontal line.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Heidi Heitkamp
United States Senate
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

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Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Claire McCaskill
United States Senate
Washington, D.C. 20510

Dear Senator McCaskill:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

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Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Tina Smith
United States Senate
Washington, D.C. 20510

Dear Senator Smith:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Richard J. Durbin
United States Senate
Washington, D.C. 20510

Dear Senator Durbin:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Tammy Baldwin
United States Senate
Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Tammy Duckworth
United States Senate
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

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Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Debbie Stabenow
United States Senate
Washington, D.C. 20510

Dear Senator Stabenow:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

Your letter references the rule that will establish the RFS volume requirement for the 2019 compliance year. Ensuring we meet statutory deadlines under the program is a key element of our RFS implementation, and we are currently on track to finalize the 2019 standards by November 30, 2018. EPA is currently developing the proposed 2019 rule, and our goal is to issue that proposal in the late spring or early summer.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read "W L Wehrum", is written over a horizontal line.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Joe Donnelly
United States Senate
Washington, D.C. 20510

Dear Senator Donnelly:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

A handwritten signature in black ink, appearing to read "W L Wehrum", is written over a horizontal line.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

May 10, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Sherrod Brown
United States Senate
Washington, D.C. 20510

Dear Senator Brown:

Thank you for your letter of March 1, 2018, to U.S. Environmental Protection Agency Administrator Scott Pruitt regarding your support for the Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including those in rural communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input on this important policy. Your letter notes that in recent months, some stakeholders have proposed ideas for changes to the program. We engage with RFS stakeholders on an ongoing basis, and in doing so hear numerous ideas concerning how EPA should implement the program. It is our role to understand and assess such proposals, and we take that responsibility seriously.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read "W L Wehrum", is positioned above the printed name.

William L. Wehrum
Assistant Administrator

United States Senate

WASHINGTON, DC 20510

March 7, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

We write to urge EPA to resolve the "bio-intermediates issue." Proposed regulations that would have resolved the bio-intermediates issue, the Renewables Enhancement and Growth Support (REGS) rule, were published in November 2016, but are not yet final. Finalizing the regulations for the bio-intermediates issue is vitally important to the forestry industry and refineries that are seeking cost effective means to satisfy the cellulosic biofuels requirements under the Renewable Fuel Standard (RFS).

Liquid cellulosic "biocrude" can be produced cost-effectively from forest and mill residuals at sites in close proximity to forestland. This biocrude can then be delivered to refineries where it can be co-processed with petroleum feedstocks to produce renewable cellulosic transportation fuels. Biocrude can also be used in large heating and cooling operations at facilities such as schools, universities, and hospitals. Many refineries, however, are not located close to forests that support biocrude facilities, necessitating delivery of the biocrude via rail or truck.

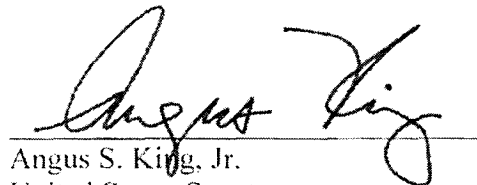
As we understand the current interpretation of the RFS regulations, if a biocrude "intermediate" biofuel product is delivered to a refinery at a second location to produce transportation fuels, the refiner is not permitted to get credit for the renewable content of the resulting products from co-processing. It is for these reasons that finalizing the bio-intermediates policy is so important.

Resolving the bio-intermediates issue would open opportunities for capital investments in rural Maine where the forest economy has been struggling. We urge EPA to address the bio-intermediates issue. If you have any questions, please do not hesitate to contact us or have your staff contact Olivia Kurtz (Collins) at 202-224-2523 and Morgan Cashwell (King) at 202-224-5344.

Sincerely,



Susan M. Collins
United States Senator



Angus S. King, Jr.
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 5, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Susan M. Collins
United States Senate
Washington, D.C. 20510

Dear Senator Collins:

Thank you for your letter of March 7, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, urging EPA to resolve the "bio-intermediates issue" of the Renewable Fuel Standard (RFS). The Administrator asked me to respond to you on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including companies and communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input regarding the potential benefits of generating renewable identification numbers, the compliance credits under the RFS program, for renewable fuels produced from biointermediates such as liquid cellulosic biocrudes.

As your letter notes, in November 2016, EPA published a proposed rule entitled the Renewables Enhancement and Growth Support (REGS) rule that proposed regulations that would address the biointermediates issue. Since the REGS proposed rule comment period closed last year, staff have been going through the many comments received, evaluating the issues raised by commenters, and exploring options for resolving these issues. We plan to continue to work towards a final decision on this and other important issues set forth in the proposed REGS rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in PA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1267.

Sincerely,

A handwritten signature in black ink, which appears to read "W L Wehrum", is positioned above the typed name.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 5, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Angus S. King, Jr.
United States Senate
Washington, D.C. 20510

Dear Senator King:

Thank you for your letter of March 7, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, urging EPA to resolve the "bio-intermediates issue" of the Renewable Fuel Standard (RFS). The Administrator asked me to respond to you on his behalf.

The RFS program plays a significant role in both fuel and agriculture policy in the United States, and we understand the importance of the program to multiple stakeholders, including companies and communities throughout the country. EPA is committed to successfully implementing the program, which entails adhering to the requirements of the law while simultaneously recognizing the marketplace challenges that affect the use and expansion of renewable fuel. We will continue to strive to improve our implementation of the program and appreciate your input regarding the potential benefits of generating renewable identification numbers, the compliance credits under the RFS program, for renewable fuels produced from biointermediates such as liquid cellulosic biocrudes.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read "W L Wehrum", is written over a horizontal line.

William L. Wehrum
Assistant Administrator

Congress of the United States

Washington, DC 20515

March 28, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

We are writing regarding the Record of Decision (ROD) for the cleanup of Operable Unit 7 (OU-7) Soils at the St. Regis Paper Company Superfund Site (Site) in Cass Lake, Minnesota. We respectfully urge your agency to move forward and finalize its decision on this matter.

The Leech Lake Band of Ojibwe (the Band) has been working closely with EPA Region 5 and the State of Minnesota (State) to move forward with issuance of the OU-7 ROD. It is our understanding after discussions with the Band that EPA Headquarters will soon be in a position to formally issue the ROD so that remedial action may begin.

It has been more than 30 years since the State cleanup actions at the Site, and yet traditional Tribal activities such as fishing and gathering wild rice either remain limited or are no longer practiced due to fear of health hazards caused by contaminated water and soil. Known pollutants at this Site, particularly dioxins and furans, are highly toxic and can cause reproductive and developmental problems, damage to the immune system, and cancer. Surface soils and fine particulates contaminated with dioxins and furans have been transported by wind and other means from Site source areas thereby contaminating residential and commercial properties in what is now known as OU-7. This contamination is in turn contributing to the current housing shortage and unemployment crisis facing the Band and larger Cass Lake Community. The ongoing environmental health and economic consequences are overwhelming our citizens and your leadership is needed to help right this wrong.

We expect that issuance of the OU-7 ROD will result in a number of direct benefits to the Band and to the City of Cass Lake. Timely issuance will address contamination hurdles facing tribal members and the Cass Lake community, and create jobs during cleanup and a safer community. Once soil cleanup is under way, the EPA, Band, and State can focus on the significant challenge of developing a Site groundwater remedy completion strategy that includes the abatement of the ongoing Site effluent discharge of contaminants into surface waters. The consumption of fish from these waters has long been limited for both subsistence and recreational fishers.

Thank you for your review and consideration. We look forward to your response.

Sincerely,



Richard M. Nolan
Member of Congress



Betty McCollum
Member of Congress

CC: Leech Lake Tribal Council
Faron Jackson, Sr., LLBO Chairman
John Persell, LLBO DRM, Superfund
Richard A. Du Bey, Esq.
Joshua B. Lane, Esq.
Cathy Stepp, EPA Region V Administrator
Leslie Patterson, EPA Region V RPM
Thomas Turner, EPA Region V ORC
Richard Robinson, LLBO DRM Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 25 2018

REPLY TO THE ATTENTION OF:

The Honorable Betty McCollum
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman McCollum:

Thank you for your March 28, 2018 letter to Administrator Scott Pruitt concerning the Record of Decision (ROD) for the cleanup of Operable Unit 7 (OU7) soils at the St. Regis Paper Company Superfund Site in Cass Lake, Minnesota. I welcome the opportunity to provide you with a status update on the selection of a final soil remedy for OU7.

On April 17, 2018, the U.S. Environmental Protection Agency added the St. Regis site to the Administrator's Emphasis List of Superfund sites that will benefit from his targeted immediate and intense action. In March 2016, EPA issued a proposed plan to address contaminated soils in OU7. At the request of the Leech Lake Band of Ojibwe (LLBO) and others, EPA extended the 60-day public comment period an additional 98 days. EPA received many comments from residents and other concerned citizens, LLBO, and the potentially responsible parties, all of which merit careful consideration. Region 5 and EPA Headquarters have been discussing the comments and are focused on issuing a ROD that fulfills EPA's statutory and regulatory responsibilities, as well EPA's federal trust responsibility to LLBO. I anticipate that these discussions will be resolved within the next few months.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denise Fortin, the Region 5 Congressional Liaison, at (312) 886-3000.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cathy Stepp", is written over a horizontal line.

Cathy Stepp
Regional Administrator

cc: Faron Jackson, Sr., Chairman, Leech Lake Band of Ojibwe
Richard Robinson, Director, LLBO Division of Resource Management
John Persell, Superfund Coordinator, LLBO Division of Resource Management
Richard A. Du Bey, Special Environmental Counsel, Short Cressman & Burgess PLLC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 25 2018

REPLY TO THE ATTENTION OF:

The Honorable Richard M. Nolan
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Nolan:

Thank you for your March 28, 2018 letter to Administrator Scott Pruitt concerning the Record of Decision (ROD) for the cleanup of Operable Unit 7 (OU7) soils at the St. Regis Paper Company Superfund Site in Cass Lake, Minnesota. I welcome the opportunity to provide you with a status update on the selection of a final soil remedy for OU7.

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Sincerely,

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Cathy Stepp
Regional Administrator

cc: Faron Jackson, Sr., Chairman, Leech Lake Band of Ojibwe
Richard Robinson, Director, LLBO Division of Resource Management
John Persell, Superfund Coordinator, LLBO Division of Resource Management
Richard A. Du Bey, Special Environmental Counsel, Short Cressman & Burgess PLLC

JAMES P. MCGOVERN
2ND DISTRICT, MASSACHUSETTS

COMMITTEE ON RULES

COMMITTEE ON AGRICULTURE

SENIOR DEMOCRATIC WHIP

Congress of the United States
House of Representatives
Washington, DC 20515-2102

<http://www.mcgovern.house.gov>

438 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2102
(202) 225-6101

DISTRICT OFFICES:
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WORCESTER, MA 01604
(508) 831-7356

94 PLEASANT STREET
NORTHAMPTON, MA 01060
(413) 341-8700

24 CHURCH STREET, ROOM 27
LEOMINSTER, MA 01453
(978) 466-3552

March 14, 2018

Mr. Scott Pruitt
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

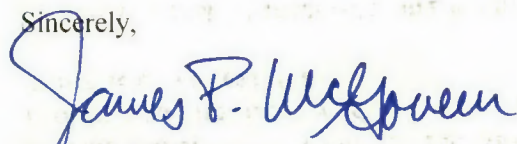
I write to you today in support of the City of Worcester's application to the U.S. Environmental Protection Agency (EPA) for a Fiscal Year 2018 Brownfields Revolving Loan Fund grant funding, made available through EPA's Brownfields Assessment, Revolving Loan Fund and Cleanup Grants Program.

The City is seeking a \$1,000,000 Revolving Loan Fund grant for environmental cleanup activity. Worcester has a very successful Brownfields Program that has supported many instrumental projects including the former GKN Sinter Metals manufacturing building, which has been demolished, remediated and redeveloped into a \$15 million, 100,000SF+ indoor recreation (youth hockey) facility that includes 35,000SF of retail. Other Brownfields projects include Gateway Park, the South Worcester Industrial Park, the former Telegram & Gazette building at 20 Franklin Street, and the Loomworks housing project at 93 Grand Street. Most notably, the Gateway Park project received the 2007 EPA Brownfields Phoenix Award and was nationally recognized by the U.S. Department of Commerce as a brownfields success story.

Although industrial manufacturing is one of Worcester's greatest legacies, the city was left with many abandoned and blighted buildings in the wake of the Industrial Revolution. Environmental contamination of properties is a significant barrier to private investment and redevelopment opportunities in Worcester. The grant funding will be a critical addition to the City's brownfields toolkit. Existing brownfields dollars have been utilized in a manner that is leading to a Worcester renaissance, however more must be done.

Thank you for your review of the City's application and Worcester's brownfields redevelopment efforts. I humbly request that you give it your full and fair consideration.

Sincerely,



James P. McGovern
Member of Congress

Cc: Alexandra Dapolito Dunn, Administrator
U.S. EPA, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 9 2018

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

The Honorable James P. McGovern
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McGovern:

Thank you for your letter of March 14, 2018, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the city of Worcester, Massachusetts. I appreciate your interest in the Brownfields Program and your support of this proposal.

The Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 740 grant proposals. From these proposals, the EPA announced the selection of approximately 280 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (September 2017)*, posted on our brownfields website at www.epa.gov/brownfields. Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the city of Worcester will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over the word "Sincerely,".

Barry N. Breen
Acting Assistant Administrator

United States Senate

WASHINGTON, DC 20510

March 16, 2018

The Honorable Scott Pruitt
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

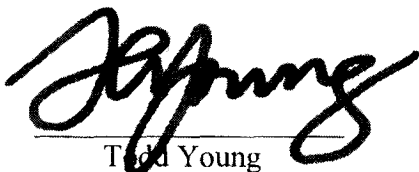
We write regarding the agency's ongoing efforts to streamline environmental regulations and ease the regulatory burden in the United States. While we welcome these necessary efforts, we maintain concerns with the Environmental Protection Agency's proposed rule for repeal of emission requirements for glider vehicles, glider engines, and glider kits. We believe that repealing those requirements will undermine the significant investments by American manufacturers, trucking fleets, and job creators.

We agree that regulations issued under the Clean Air Act (CAA) must not exceed the authority of Congress. However, we believe that repeal of these glider requirements will undermine the significant investments made by domestic manufacturers and the logistics industry. This view is shared by numerous stakeholders, including the manufacturers of the overwhelming majority of medium and heavy-duty vehicles, engines and emission control technologies sold throughout the United States. Changing decades of consistent regulation erodes the bipartisan progress made under previous administrations and removes the regulatory certainty provided to the industry which has produced the next generation of cleaner, more efficient vehicles.

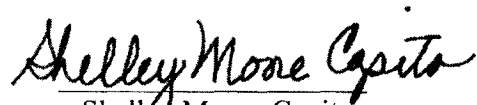
Our states are home to a strong industrial base that rely upon this regulatory certainty to successfully operate and invest billions each year in research and development. We urge you to consider the adverse impact on the economy if the authority to implement reasonable regulation of gliders is repealed and the regulatory certainty maintained through prior administrations is removed.

Thank you for your attention to this important matter and your continued dedication to protect American jobs and streamline burdensome environmental regulation.

Sincerely,



Todd Young
United States Senator



Shelley Moore Capito
United States Senator



Thom Tillis
United States Senator



Richard Burr
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Todd Young
United States Senate
Washington, D.C. 20510

Dear Senator Young:

Thank you for your letter of March 16, 2018, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

A handwritten signature in black ink, which appears to read "W L Wehrum", is positioned above the printed name.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Shelley Moore Capito
United States Senate
Washington, D.C. 20510

Dear Senator Capito:

Thank you for your letter of March 16, 2018, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Thom Tillis
United States Senate
Washington, D.C. 20510

Dear Senator Tillis:

Thank you for your letter of March 16, 2018, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Richard Burr
United States Senate
Washington, D.C. 20510

Dear Senator Burr:

Thank you for your letter of March 16, 2018, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator

JACK BERGMAN
1ST DISTRICT, MICHIGAN

COMMITTEE ON VETERANS' AFFAIRS
COMMITTEE ON NATURAL RESOURCES
COMMITTEE ON THE BUDGET

Congress of the United States
House of Representatives
Washington, DC 20515-2201

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WASHINGTON, DC 20515
(202) 225-4735

TRAVERSE CITY OFFICE
1396 DOUGLAS DRIVE, SUITE 22B
TRAVERSE CITY, MI 49696
(231) 944-7633

MARQUETTE OFFICE
1500 W. WASHINGTON STREET, SUITE 2
MARQUETTE, MI 49855
(906) 273-2227

March 16, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

RE: Mill Start-Up Provision Critically Needed for TSCA Title VI Regulation

Dear Administrator Pruitt,

The purpose of this letter is to request your assistance in addressing an issue regarding the Formaldehyde Emission Standards for Composite Wood Products regulation (the "Regulation"). The Regulation's failure to include provisions for start-up mills will have a significant impact on a new, state-of-the-art particleboard mill slated to begin production later this year in Grayling, MI.

Notably, this Grayling mill would be the first major particleboard mill built in the United States in over 20 years and will be by far the largest in North America upon completion. Not only will it will have a positive impact on northern Michigan's economy but it is also the kind of manufacturing growth we all want to see more of in this country.

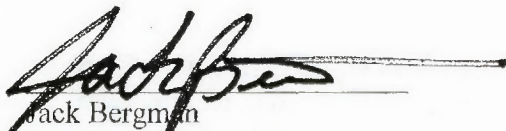
In contrast to foreign producers of particleboard and medium density fiberboard (MDF), U.S. producers must be third-party certified under the Regulation before these wood products can be sold or shipped. Certification is a time-consuming process that involves obtaining data over the course of potentially several months. Existing mills have been operating under such a third-party certification regime for nearly ten years in compliance with California's formaldehyde emissions regulations, which are the same emissions limits now in place under the Regulation. As such, we understand from the industry that all existing mills are prepared and will most likely be in compliance by the approaching December 12, 2018 deadline.

New mills that begin production under the Regulation are, unfortunately, in a much different position. During the several months required to complete the testing and data collection to obtain certification, start-up mills like the one in Grayling would be prevented under the Regulation from selling any particleboard panels made prior to certification, even though these panels could be proven to meet the required emissions limits. This puts start-up mills in a position where they would have to absorb all costs of their initial production until they met the testing requirements for certification, which for a mill of Grayling's size would result in millions of dollars of lost product.

We understand the Composite Panel Association has put forward a reasonable proposal to address this issue in an October 17, 2017 letter to the EPA's Office of Chemical Safety and Pollution Prevention, and that your staff has been amenable to finding a workable solution based on the proposal. Any such proposed fix will need to be in place as soon as possible to give the Grayling mill time to prepare and execute on its compliance plan. Given the tight timeframe, we would strongly encourage EPA to publish guidance as soon as possible. This would help to provide the Grayling mill, as well as two other mills planned to begin production late this year in California and South Carolina, with the assurances they need to prepare for compliance and sell certified particleboard or MDF at start-up. If required, a formal amendment could be incorporated through rulemaking at a later date.

The Grayling mill is not seeking any waiver or deviation from the formaldehyde emissions requirements and strongly supports the Regulation. The industry has put forward a reasonable proposal to ensure compliance with emissions limits while also allowing for compliant production runs to be sold during the critical start-up period. We encourage your Agency to act as quickly as possible to draft formal start up mill guidance for the Formaldehyde Emission Standards for Composite Wood Products regulation. Doing so will allow the Grayling mill to move forward and compete in the global marketplace.

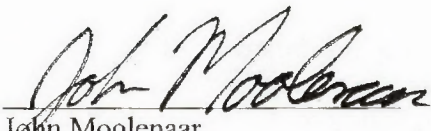
Sincerely,



Jack Bergman
Member of Congress



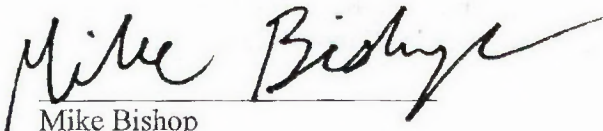
Fred Upton
Member of Congress



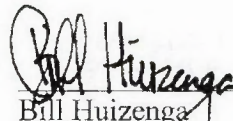
John Moolenaar
Member of Congress



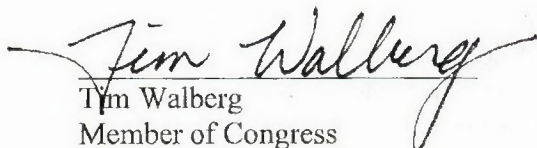
Brenda Lawrence
Member of Congress



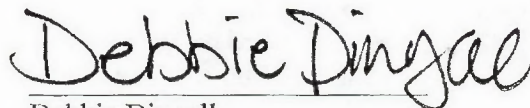
Mike Bishop
Member of Congress



Bill Huizenga
Member of Congress



Tim Walberg
Member of Congress



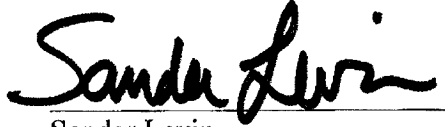
Debbie Dingell
Member of Congress



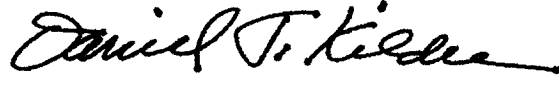
Paul Mitchell
Member of Congress



Dave Trott
Member of Congress



Sander Levin
Member of Congress



Dan Kildee
Member of Congress

Cc. Ryan Jackson, Chief of Staff, EPA Office of the Administrator
Nancy Beck, Deputy Assistant Administrator, OCSPP, EPA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Jack Bergman
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Bergman:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or at (202) 566-2753.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Bertrand".

Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Fred Upton
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Upton:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable John Moolenaar
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Moolenaar:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Sincerely,

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Brenda Lawrence
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Lawrence:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Mike Bishop
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Bishop:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Bill Huizenga
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Huizenga:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Tim Walberg
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Walberg:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Debbie Dingell
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Dingell:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Paul Mitchell
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Mitchell:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Dave Trott
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Trott:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Sander Levin
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Levin:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Dan Kildee
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kildee:

Thank you for your letter of March 16, 2018 to the U.S. Environmental Protection Agency pertaining to the Formaldehyde Emission Standards for Composite Wood Products final rule, which published on December 12, 2016 (81 FR 89674), pursuant to the Toxic Substances Control Act Title VI (15 U.S.C. § 2697). In your letter you raised concerns related to the requirements for new composite wood product mills under the final rule including the time needed to complete required formaldehyde emissions testing.

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Acting Principal Deputy Assistant Administrator

Congress of the United States
Washington, DC 20515

March 22, 2018

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Dear Administrator Pruitt:

As you may know, in August of last year Drew Wynne, an entrepreneur in Charleston, South Carolina, tragically and unexpectedly passed away while using an off-the-shelf paint stripper purchased at a local retail store that contained the chemical methylene chloride. Drew took numerous precautions including ventilating the space in which he was working and also wearing a respirator and gloves; however, none of it was sufficient to avoid the extreme toxicity of methylene chloride. Unfortunately, these detrimental outcomes are not limited to South Carolina. Over the last 35 years alone, more than 50 deaths have occurred due to acute exposure to methylene chloride.

We are deeply concerned by the obvious health risks related to consumer uses of methylene chloride, a chemical used in certain paint and coating removal products. In January 2017, the Environmental Protection Agency (EPA) proposed a rule (EPA-HQ-OPPT-2016-0231) to “prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride for consumer and most types of commercial paint and coating removal under section 6 of the Toxic Substances Control Act (TSCA).” Given the apparent danger of this chemical, we urge the Secretary to immediately and fully address the already identified risks of methylene chloride consistent with TSCA section 6 and prevent any further harm from coming to the American public.

For chemicals with risk assessments completed prior to the date of the Frank R. Lautenberg Chemical Safety for the 21st Century Act being signed into law, section 26(I)(4) allows EPA to publish proposed and final rules consistent with the scope of those risk assessments. In 2014, methylene chloride’s risk assessment was published and the chemical was listed in the TSCA Work Plan. EPA’s 2017 proposed rule on methylene chloride stated:

For methylene chloride, the health impacts of its use in paint and coating removal include death (due to asphyxiation), liver toxicity, kidney toxicity, reproductive toxicity, specific cognitive impacts, and cancers such as brain cancer, liver cancer, certain lung cancers, non-Hodgkin's lymphoma, and multiple myeloma . . . Some of these effects result from a very short, acute exposure; others follow years of occupational exposure.

The threat posed by this chemical is clear and undeniable, as determined by EPA just last year. EPA has a duty to protect the American public from hazards such as this, and by finding that the proposed rule is compliant with TSCA section 6 requirements, it can prevent future deaths and injuries. No family, nor person should ever have to endure the loss suffered by the Wynne family and the Charleston community. We urge you to swiftly determine the rule's compliance with TSCA Section 6 and ensure the protection of our nation's consumers. We look forward to hearing back from you on this most urgent matter.

Sincerely,



Lindsey O. Graham
United States Senator



Tim Scott
United States Senator



Mark Sanford
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Lindsey O. Graham
United States Senate
Washington, D.C. 20510

Dear Senator Graham:

Thank you for the letter of March 22, 2018, to the U.S. Environmental Protection Agency regarding methylene chloride.

As you referenced in your letter, under Section 6(a) of the Toxic Substances Control Act (TSCA), regulation of certain uses of methylene chloride was proposed in 2017. The agency is currently considering the comments received in response to the proposal, including comments suggesting that the EPA quickly finalize this action and comments suggesting that this action be evaluated as part of the group of the first ten chemicals undergoing initial risk evaluations under amended TSCA.

As one of the first ten chemicals to be comprehensively evaluated under amended TSCA, a scoping document for methylene chloride was published in June 2017. This document identified what uses of methylene chloride will be evaluated and how the evaluation will be conducted. We will refine the scope of our risk evaluations with problem formulations to be published in the coming months. We plan to finalize the risk evaluations by late 2019 and will take necessary and appropriate steps to address any risks identified in the evaluation. I hope these actions provide assurance that the agency is committed to evaluating and addressing the risks associated with methylene chloride.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or at (202) 566-2753.

Sincerely,

A handwritten signature in black ink, reading "Charlotte Bertrand". The signature is fluid and cursive, with the first name "Charlotte" and last name "Bertrand" clearly visible.

Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Tim Scott
United States Senate
Washington, D.C. 20510

Dear Senator Scott:

Thank you for the letter of March 22, 2018, to the U.S. Environmental Protection Agency regarding methylene chloride.

As you referenced in your letter, under Section 6(a) of the Toxic Substances Control Act (TSCA), regulation of certain uses of methylene chloride was proposed in 2017. The agency is currently considering the comments received in response to the proposal, including comments suggesting that the EPA quickly finalize this action and comments suggesting that this action be evaluated as part of the group of the first ten chemicals undergoing initial risk evaluations under amended TSCA.

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 12 2018

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Mark Sanford
U.S. House of Representatives
Washington, D.C. 20510

Dear Congressman Sanford:

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Sincerely,

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Charlotte Bertrand
Acting Principal Deputy Assistant Administrator

HAROLD ROGERS
5TH DISTRICT, KENTUCKY

COMMITTEE ON APPROPRIATIONS

CHAIRMAN EMERITUS

SUBCOMMITTEE ON
STATE AND FOREIGN OPERATIONS
CHAIRMAN

SUBCOMMITTEE ON DEFENSE

SUBCOMMITTEE ON COMMERCE,
JUSTICE AND SCIENCE



Congress of the United States
House of Representatives
Washington, DC 20515-1705

March 6, 2018

PLEASE RESPOND TO:

WASHINGTON OFFICE:

☐ 2406 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-1705
(202) 225-4601

DISTRICT OFFICES:

☐ 551 CLIFTY STREET
SOMERSET, KY 42503
(606) 679-8346 OR
1-800-632-8588

☐ 48 SOUTH KENTUCKY HIGHWAY 15
HAZARD, KY 41701
(606) 439-0794

☐ 110 RESOURCE COURT
SUITE A
PRESTONSBURG, KY 41653
(606) 886-0844

The Honorable Scott Pruitt
Administrator, U.S. Environmental Protection Agency
USEPA William Jefferson Clinton Building (1101A)
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

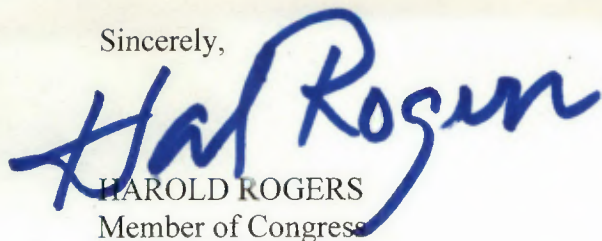
Dear Administrator Pruitt,

I write to offer my support for the efforts you have undertaken to review a proposed regulation undertaken by the U.S. Environmental Protection Agency (EPA) under the Obama Administration. Over the course of the eight years under President Obama's tenure, EPA was overzealous in its interpretation of our nation's environmental laws, which has had catastrophic effects on our nation's economy – and the economy of coal country in particular. I applaud your efforts to restore some semblance of balance between environmental protection, which is indeed an important and worthy goal, and our nation's economic growth.

Consistent with your efforts to roll back harmful Obama-era regulations, in November 2017, EPA signaled its intent to repeal the emissions standards and other requirements for heavy-duty glider vehicles, glider engines, and glider kits. This was based on a proposed interpretation of the Clean Air Act under which glider vehicles would not be found to constitute "new motor vehicles" and glider kits would not be treated as "incomplete" new motor vehicles. I understand that you are currently reviewing a plethora of public comments that were submitted in response to EPA's proposed repeal of this regulation. Repealing this regulation could result in significant job creation in my congressional district, which as mentioned above, has been wrought with economic challenges associated with the previous Administration's War on Coal. Kentucky communities desperately need these jobs, and I ask you to bear this in mind as you move forward with this administrative procedure.

Thank you for your consideration, and please do not hesitate to contact me or my staff at (202) 225-4601 should you have any questions or concerns.

Sincerely,


HAROLD ROGERS
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Harold Rogers
U. S. House of Representatives
Washington, D.C. 20515

Dear Congressman Rogers:

Thank you for your letter of March 6, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the glider requirements in the Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium-and Heavy-Duty Vehicles-Phase 2 (the "Phase 2 Rule") final rule and your support for our proposed repeal of these requirements. The Administrator asked that I respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States. We are also aware of the importance of the glider industry in some communities. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or (202) 564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read "W L Wehrum", is written over a horizontal line.

William L. Wehrum
Assistant Administrator

RICK CRAWFORD
1ST DISTRICT, ARKANSAS

COMMITTEE ON AGRICULTURE
CHAIRMAN OF SUBCOMMITTEE ON FARM
COMMODITIES AND RISK MANAGEMENT

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE

Congress of the United States
House of Representatives
2422 Rayburn Building
Washington, DC 20515

March 5, 2018

- ☐ WASHINGTON, DC
2422 RAYBURN HOB
WASHINGTON, DC 20515
PHONE: 202-225-4076
FAX: 202-225-5602
- ☐ JONESBORO
2400 EAST HIGHLAND
SUITE 300
JONESBORO, AR 72401
PHONE: 870-203-0540
FAX: 870-203-0542
- ☐ CABOT
112 SOUTH FIRST STREET
CABOT, AR 72023
PHONE: 501-843-3043
FAX: 501-843-4955
- ☐ MOUNTAIN HOME
1001 HIGHWAY 62 EAST
SUITE 9
MOUNTAIN HOME, AR 72653
PHONE: 870-424-2075
FAX: 870-424-3149

WWW.CRAWFORD.HOUSE.GOV

Mr. Barry Breen
Principal Deputy Assistant Administrator
Office of Land and Emergency Management (OLEM)
Environmental Protection Agency
1200 Pennsylvania Avenue NW, # 5101T
Washington, DC 20460-0001

Dear Administrator Breen,

As the U.S. representative for the first congressional district of Arkansas, I write in support of the grant application submitted by the East Arkansas Planning and Development District (EAPDD) for an Environmental Protection Agency (EPA) Brownfield assessment grant. I understand EAPDD would use the grant funding to facilitate environmental restoration and redevelopment among its twelve counties in eastern Arkansas.

The first congressional district of Arkansas encompasses much of the Arkansas-Mississippi Delta region. While the issues facing people of the Delta are not new, they are worth revisiting. Mass out-migration spurred by declining demand for farm labor, compounded by industrial closures during the recession, have left contaminated and abandoned properties scattered throughout the district. Consequently, EPA Brownfield Program funding, if awarded, will support ongoing strategies to reuse and redevelop stagnant, blighted properties and restore economic productivity to the region.

EAPDD and each of the twelve counties it serves have engaged their respective constituents in a holistic, sustainable development planning process to guide future development decisions in the region. The region has identified environmental restoration and redevelopment as a strategy of high importance. EPA's support and funding of Brownfield assessments in East Arkansas will be leveraged toward improving the region's built environment, producing tangible benefits for residents.

I proudly support East Arkansas Planning and Development District's grant application as part of an ongoing plan to improve economic development throughout rural East Arkansas, which ultimately betters the quality of life for local residents. Thank you for your time, and I request that you give this worthy project serious and all due consideration when making final funding decisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Crawford", with a stylized flourish at the end.

Rick Crawford
MEMBER OF CONGRESS

RC/cl



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

The Honorable Rick Crawford
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Crawford:

Thank you for your letter of March 5, 2018, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the East Arkansas Planning and Development District (EAPDD) in Jonesboro, Arkansas. I appreciate your interest in the Brownfields Program and your support of this proposal.

The Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 740 grant proposals. From these proposals, the EPA announced the selection of approximately 280 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (September 2017)*, posted on our brownfields website at www.epa.gov/brownfields. Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the EAPDD will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

A handwritten signature in blue ink, which appears to read "Barry N. Breen", is written over the word "Sincerely,". The signature is fluid and extends to the right with a long horizontal stroke.

Barry N. Breen
Acting Assistant Administrator

RON WYDEN
OREGON

RANKING MEMBER OF COMMITTEE ON
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:

COMMITTEE ON FINANCE
COMMITTEE ON BUDGET
COMMITTEE ON ENERGY & NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE
JOINT COMMITTEE ON TAXATION

The Honorable Scott Pruitt
Administrator, Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I am writing in support of Marion County's FY 18 Brownfield Community-Wide Assessment Grant with regional focus on the North Santiam Watershed. The proposal requests a total of \$300,000 to develop the necessary identification, assessment, education, and mitigation plans to reduce the barriers for redevelopment of this area.

Historically, employment in the Santiam Canyon has depended largely on logging, mills, and wood products. Access to this raw material base declined with reduced federal harvest levels, causing mills to close and directly contributing to a sharp decline in employment levels. In 1999, 63.4% of all employment in the target area was in logging, mills, and wood products, compared to 4% in the county as a whole.

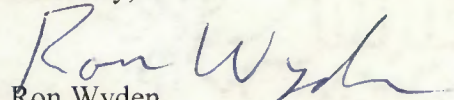
Despite challenges after the decline in logging, the community has continued to invest in community-based redevelopment efforts in the target area. The redevelopment of local brownfields and establishment of an industrial land base have been identified as a top priority.

More than 57% of the existing commercial and industrial parcels in the target area are known or suspected brownfields. Marion County will use grant funding to expand a preliminary brownfield inventory and conduct Phase I and Phase II environmental site assessments on community-selected sites and cleanup and reuse planning on four priority sites.

All four initial priority brownfield sites are within close proximity of the North Santiam River, which puts residents nearby and water users downstream in danger of potential soil, air, and groundwater contamination. With few resources to further invest in site readiness for economic activity, the residents of the Santiam Canyon, Marion County, and its partners are enthusiastic about the potential of brownfield redevelopment and what it could mean for this community.

I urge you to give full and fair consideration for Marion County's FY 18 Brownfield Community-Wide Assessment Grant.

Sincerely,



Ron Wyden
US Senator

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

U.S. COURTHOUSE
310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST. SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

PRINTED ON RECYCLED PAPER



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 28 2018

The Honorable Ron Wyden
United States Senate
Washington, D.C. 20510

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

Dear Senator Wyden:

Thank you for your letter of March 15, 2018, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from Marion County, Oregon. I appreciate your interest in the Brownfields Program and your support of this proposal.

The Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

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Barry N. Breen
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 26 2018

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am transmitting the U.S. Environmental Protection Agency's response to the August 2017 Government Accountability Office report entitled, *Data Center Optimization: Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal* (GAO-17-448). The EPA prepared this response pursuant to 31 U.S.C. 720.

In 2016, the U.S. Office of Management and Budget launched the Data Center Optimization Initiative as a successor to the 2014 Federal Data Center Consolidation Initiative. On August 1, 2016, the Federal Chief Information Officer issued memorandum M-16-19, which provided the framework for agencies to achieve data center consolidation and optimization requirements. The memorandum requires agencies to develop and report on data center strategies to consolidate inefficient infrastructure, optimize existing facilities, improve security posture, achieve cost savings, and transition to more efficient infrastructures, such as cloud services and inter-agency shared services. Based on that process, the OMB set a goal for the EPA to close 34 non-tiered data centers by Fiscal Year 2018.

For this report, the U.S. Government Accountability Office was asked to evaluate the 24 DCOI agencies' progress against the OMB's Fiscal Year 2018 optimization targets and assess agencies' efforts to implement monitoring tools for server utilization. The GAO observed that all 24 agencies reported successes in optimizing their data centers—notably, the benefits of key technologies, such as virtualizing systems to improve performance and increased energy efficiency. However, agencies also reported challenges related to, for example, improving the utilization of their data center facilities and competing for labor resources.

In its final report, the GAO made two recommendations. One is directed to the OMB and the other to 18 federal agencies, among them the EPA. Below is the recommendation for those agencies, followed by the EPA response for actions to be undertaken to address the GAO's recommendation for its data centers.

Recommendation:

The Secretaries of Agriculture, Commerce, Defense, Homeland Security, Energy, HHS, Interior, Labor, State, Transportation, Treasury, and VA; the Attorney General of the United States; the Administrators

of EPA, GSA, and SBA; the Director of OPM; and the Chairman of NRC should take action to, within existing OMB reporting mechanisms, complete plans describing how the agency will achieve OMB's requirement to implement automated monitoring tools at all agency-owned data centers by the end of fiscal year 2018.

EPA Response:

The EPA's Office of Environmental Information has developed plans that describe how the agency will achieve the OMB's requirement to implement automated monitoring tools at all agency-owned data centers by the end of FY 2018.

All Data Centers: The EPA's 2017 DCOI Strategic Plan documents the agency goal to achieve automated reporting of optimization metrics for all agency-owned tiered and non-tiered data centers. For all agency-owned data centers, the EPA will leverage its current investment in a network monitoring tool Infraview (EM7) to fulfill the OMB's requirements. The specific milestones that have/will be undertaken are as follows:

1. Assess functionality of EM7 to provide reporting capabilities adequate to the OMB's requirements and develop server utilization report.
2. Expand licensing of EM7 to accommodate additional servers.
3. Send notification to DCOI points of contact to utilize EM7 for server utilization monitoring.

Tiered Data Centers: The EPA intends to procure and deploy a Data Center Infrastructure Management tool by the end of FY 2018. Outlined milestones for achieving this effort are as follows:

1. Perform market research and develop requirements that meet M-16-19 and agency requirements.
2. For selected vendor(s), perform proof-of-concept testing in a tiered data center.
3. Select vendor and procure/deploy DCIM to tiered data centers.
4. Leverage DCIM to provide automated monitoring of optimization metrics per DCOI requirements.

As identified in the EPA's 2017 DCOI Strategic Plan, investments for a DCIM tool and EM7 expansion are needed to meet the OMB's required optimization activities. The cost to make these improvements is anticipated to be significant and budget constraints may impact our ability to complete all work by the end of FY 2018.

The EPA appreciates the opportunity to provide comments on the final report. If you have any questions, please contact me or your staff may contact Christina Moody, in the Office of Congressional and Intergovernmental Relations, by email at christina.moody@epa.gov or by phone at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read 'David A. Bloom', is written over a horizontal line.

David A. Bloom
Deputy Chief Financial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 26 2018

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

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David A. Bloom
Deputy Chief Financial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 26 2018

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Rodney P. Frelinghuysen
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

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Tiered Data Centers: For tiered data centers, the EPA intends to procure and deploy a Data Center Infrastructure Management tool by the end of FY 2018. Outlined milestones for achieving this effort are as follows:

1. Perform market research and develop requirements that meet M-16-19 and agency requirements.
2. For selected vendor(s), perform proof-of-concept testing in a tiered data center.
3. Select vendor and procure/deploy DCIM to tiered data centers.
4. Leverage DCIM to provide automated monitoring of optimization metrics per DCOI requirements.

As identified in the EPA's 2017 DCOI Strategic Plan, investments for a DCIM tool and EM7 expansion are needed to meet the OMB's required optimization activities. The cost to make these improvements is anticipated to be significant and budget constraints may impact our ability to complete all work by the end of FY 2018.

The EPA appreciates the opportunity to provide comments on the final report. If you have any questions, please contact me or your staff may contact Christina Moody, in the Office of Congressional and Intergovernmental Relations, by email at christina.moody@epa.gov or by phone at (202) 564-0260.

Sincerely,



David A. Bloom
Deputy Chief Financial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 26 2018

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am transmitting the U.S. Environmental Protection Agency's response to the August 2017 Government Accountability Office report entitled, *Data Center Optimization: Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal* (GAO-17-448). The EPA prepared this response pursuant to 31 U.S.C. 720.

In 2016, the U.S. Office of Management and Budget launched the Data Center Optimization Initiative as a successor to the 2014 Federal Data Center Consolidation Initiative. On August 1, 2016, the Federal Chief Information Officer issued memorandum M-16-19, which provided the framework for agencies to achieve data center consolidation and optimization requirements. The memorandum requires agencies to develop and report on data center strategies to consolidate inefficient infrastructure, optimize existing facilities, improve security posture, achieve cost savings, and transition to more efficient infrastructures, such as cloud services and inter-agency shared services. Based on that process, the OMB set a goal for the EPA to close 34 non-tiered data centers by Fiscal Year 2018.

For this report, the U.S. Government Accountability Office was asked to evaluate the 24 DCOI agencies' progress against the OMB's Fiscal Year 2018 optimization targets and assess agencies' efforts to implement monitoring tools for server utilization. The GAO observed that all 24 agencies reported successes in optimizing their data centers—notably, the benefits of key technologies, such as virtualizing systems to improve performance and increased energy efficiency. However, agencies also reported challenges related to, for example, improving the utilization of their data center facilities and competing for labor resources.

In its final report, the GAO made two recommendations. One is directed to the OMB and the other to 18 federal agencies, among them the EPA. Below is the recommendation for those agencies, followed by the EPA response for actions to be undertaken to address the GAO's recommendation for its data centers.

Recommendation:

The Secretaries of Agriculture, Commerce, Defense, Homeland Security, Energy, HHS, Interior, Labor, State, Transportation, Treasury, and VA; the Attorney General of the United States; the Administrators

of EPA, GSA, and SBA; the Director of OPM; and the Chairman of NRC should take action to, within existing OMB reporting mechanisms, complete plans describing how the agency will achieve OMB's requirement to implement automated monitoring tools at all agency-owned data centers by the end of fiscal year 2018.

EPA Response:

The EPA's Office of Environmental Information has developed plans that describe how the agency will achieve the OMB's requirement to implement automated monitoring tools at all agency-owned data centers by the end of FY 2018.

All Data Centers: The EPA's 2017 DCOI Strategic Plan documents the agency goal to achieve automated reporting of optimization metrics for all agency-owned tiered and non-tiered data centers. For all agency-owned data centers, the EPA will leverage its current investment in a network monitoring tool Infraview (EM7) to fulfill the OMB's requirements. The specific milestones that have/will be undertaken are as follows:

1. Assess functionality of EM7 to provide reporting capabilities adequate to the OMB's requirements and develop server utilization report.
2. Expand licensing of EM7 to accommodate additional servers.
3. Send notification to DCOI points of contact to utilize EM7 for server utilization monitoring.

Tiered Data Centers: For tiered data centers, the EPA intends to procure and deploy a Data Center Infrastructure Management tool by the end of FY 2018. Outlined milestones for achieving this effort are as follows:

1. Perform market research and develop requirements that meet M-16-19 and agency requirements.
2. For selected vendor(s), perform proof-of-concept testing in a tiered data center.
3. Select vendor and procure/deploy DCIM to tiered data centers.
4. Leverage DCIM to provide automated monitoring of optimization metrics per DCOI requirements.

As identified in the EPA's 2017 DCOI Strategic Plan, investments for a DCIM tool and EM7 expansion are needed to meet the OMB's required optimization activities. The cost to make these improvements is anticipated to be significant and budget constraints may impact our ability to complete all work by the end of FY 2018.

The EPA appreciates the opportunity to provide comments on the final report. If you have any questions, please contact me or your staff may contact Christina Moody, in the Office of Congressional and Intergovernmental Relations, by email at christina.moody@epa.gov or by phone at (202) 564-0260.

Sincerely,



David A. Bloom
Deputy Chief Financial Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 26 2018

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Eugene Dodaro
Comptroller General
Government Accountability Office
Washington, D.C. 20548

Dear Mr. Dodaro:

I am transmitting the U.S. Environmental Protection Agency's response to the August 2017 Government Accountability Office report entitled, *Data Center Optimization: Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal* (GAO-17-448). The EPA prepared this response pursuant to 31 U.S.C. 720.

The agency reviewed the report and pursuant to 31 U.S.C. 720, enclosed are copies of the EPA responses to the Chairs of the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the House and Senate Committees on Appropriations. If you have any questions, please contact me or your staff may contact Christina Moody, in the Office of Congressional and Intergovernmental Relations, by phone at (202) 564-0260 or by email at christina.moody@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Bloom", is written over a horizontal line.

David A. Bloom
Deputy Chief Financial Officer

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 26 2018

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Mick Mulvaney
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Mulvaney:

I am transmitting the U.S. Environmental Protection Agency's response to the August 2017 Government Accountability Office report entitled, *Data Center Optimization: Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal* (GAO-17-448). The EPA prepared this response pursuant to 31 U.S.C. 720.

The agency reviewed the report and pursuant to 31 U.S.C. 720, enclosed are copies of the EPA responses to the Chairs of the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the House and Senate Committees on Appropriations. If you have any questions, please contact me or your staff may contact Christina Moody, in the Office of Congressional and Intergovernmental Relations, by phone at (202) 564-0260 or by email at christina.moody@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Bloom", with a long horizontal line extending to the right.

David A. Bloom
Deputy Chief Financial Officer

Enclosures



August 2017

DATA CENTER OPTIMIZATION

Agencies Need to
Address Challenges
and Improve Progress
to Achieve Cost
Savings Goal

GAO Highlights

Highlights of GAO-17-448, a report to congressional committees

Why GAO Did This Study

In December 2014, FITARA was enacted and included a series of provisions related to improving the performance of data centers, including requiring OMB to establish optimization metrics and agencies to report on progress toward meeting the metrics. OMB's Federal Chief Information Officer subsequently launched DCOI to build on prior data center consolidation and optimization efforts.

GAO was asked to review data center optimization. GAO's objectives were to (1) assess agencies' progress against OMB's data center optimization targets, (2) identify agencies' notable optimization successes and challenges, and (3) evaluate the extent to which agencies are able to effectively measure server utilization. To do so, GAO evaluated the 24 DCOI agencies' progress against OMB's fiscal year 2018 optimization targets, interviewed officials, and assessed agencies' efforts to implement monitoring tools for server utilization.

What GAO Recommends

Congress should consider extending the time frame for the data center consolidation and optimization provisions of FITARA to provide agencies with additional time to meet OMB's targets and achieve cost savings. GAO is also recommending that 18 agencies complete their plans to implement data center monitoring tools and that OMB require agencies to complete their plans and report them to OMB. Ten agencies agreed with GAO's recommendations, three agencies partially agreed, and six (including OMB) did not state whether they agreed or disagreed, as discussed in the report.

View GAO-17-448. For more information, contact David A. Pownier at (202) 512-9286 or pownierd@gao.gov.

August 2017

DATA CENTER OPTIMIZATION

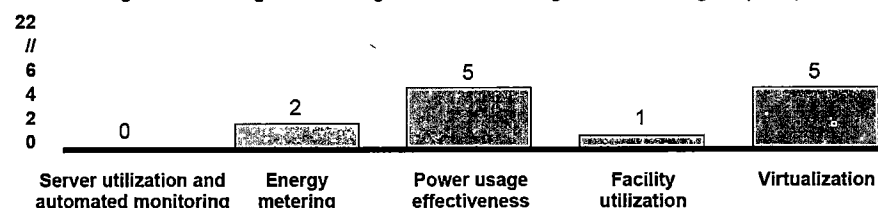
Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal

What GAO Found

Of the 24 agencies required to participate in the Office of Management and Budget's (OMB) Data Center Optimization Initiative (DCOI), 22 collectively reported limited progress against OMB's fiscal year 2018 performance targets. Two agencies did not have a basis to report on progress as they do not have agency-owned data centers. For OMB's five optimization targets, five agencies or less reported that they met or exceeded each of the targets (see figure).

Twenty-Two Agencies' Progress against OMB Data Center Optimization Metrics, as of February 2017

Number of agencies meeting or exceeding the Office of Management and Budget's (OMB) metric target



Source: GAO analysis of data from OMB's Information Technology Dashboard. | GAO-17-448

Further, as of April 2017, 17 of the 22 agencies were not planning to meet OMB's targets by September 30, 2018. This is concerning because the Federal Information Technology Acquisition Reform Act's (FITARA) data center consolidation and optimization provisions, such as those that require agencies to report on optimization progress and cost savings, expire a day later on October 1, 2018. Extending the time frame of these provisions would increase the likelihood that agencies will meet OMB's optimization targets and realize related cost savings. Additionally, until agencies improve their optimization progress, OMB's \$2.7 billion initiative-wide cost savings goal may not be achievable.

All 24 agencies reported successes in optimizing their data centers—notably, the benefits of key technologies, such as virtualizing systems to improve performance, and increased energy efficiency. However, agencies also reported challenges related to, for example, improving the utilization of their data center facilities and competing for labor resources. It will be important for agencies to take action to address their identified challenges—as GAO previously recommended—in order to improve data center optimization progress.

Of the 24 agencies required by OMB to implement automated monitoring tools to measure server utilization by the end of fiscal year 2018, 4 reported in their data center inventories as of February 2017 that they had fully implemented such tools, 18 reported that they had not, and 2 did not have a basis to report on progress because they do not have agency-owned data centers. Collectively, agencies reported that these tools were used at about 3 percent of their centers. Although federal standards emphasize the need to establish plans to help ensure goals are met, of the 18 agencies, none fully documented plans, 6 agencies had partially documented them, and 12 did not document them. Agencies provided varied reasons for this, including that they were still evaluating available tools. In addition, the lack of a formal requirement from OMB to establish the plans also contributed to agencies not having them. Until these plans are completed, agencies may be challenged in measuring server utilization.

have the necessary foundation in place to effectively measure and report on server utilization progress. However, with agencies collectively reporting that these tools are only installed at about 3 percent of the total data centers and with 18 agencies lacking complete plans to implement these tools at their remaining data centers, significant work remains toward meeting OMB's requirement. The lack of a formal OMB requirement to establish detailed plans in this area and report them to OMB further increases the likelihood that agencies will continue to lack them.

In the absence of such a requirement and completed plans, agencies will be missing an important roadmap for implementing the automated monitoring tools needed to measure server utilization—an area that both we and OMB have reported as critical to improving the efficiency, performance, and environmental footprint of federal data center activities. Moreover, with automated monitoring tools not required by OMB to be fully implemented by agencies until the end of fiscal year 2018, extending the time frame of FITARA's data center consolidation and optimization provisions could also better ensure that server utilization is effectively measured and reported beyond fiscal year 2018, after the necessary monitoring tools are implemented.

Matter for Congressional Consideration

As most agencies lack plans to meet OMB's data center optimization targets by the end of fiscal year 2018, it is increasingly likely that these agencies will require additional time to achieve the data center consolidation and optimization goals required by FITARA and OMB guidance. In order to provide agencies with additional time to meet OMB's data center optimization targets and achieve the related cost savings, Congress should consider extending the time frame for the data center consolidation and optimization provisions of FITARA beyond their current expiration date of October 1, 2018.

Recommendations for Executive Action

To better ensure that agencies complete important DCOI planning documentation and that the initiative improves governmental efficiency and achieves intended cost savings, we are recommending that the Director of OMB direct the Federal CIO to formally document a requirement for agencies to include plans, as part of existing OMB reporting mechanisms, to implement automated monitoring tools at their agency-owned data centers.

We are also recommending that the Secretaries of Agriculture, Commerce, Defense, Homeland Security, Energy, HHS, Interior, Labor, State, Transportation, Treasury, and VA; the Attorney General of the United States; the Administrators of EPA, GSA, and SBA; the Director of OPM; and the Chairman of NRC take action to, within existing OMB reporting mechanisms, complete plans describing how the agency will achieve OMB's requirement to implement automated monitoring tools at all agency-owned data centers by the end of fiscal year 2018.

Agency Comments and Our Evaluation

We received comments on a draft of this report from OMB and the 24 agencies that we reviewed. Of the 19 agencies to which we made recommendations, 10 agencies agreed with our recommendations, 3 (Defense, Interior, and OPM) partially agreed, and 6 (including OMB) did not state whether they agreed or disagreed. In addition, 6 agencies to which we did not make recommendations stated that they had no comments. Multiple agencies also provided technical comments, which we have incorporated as appropriate.

The following discusses the comments from each agency to which we made a recommendation.

- In an e-mail received on July 7, 2017, a staff member from OMB's Office of General Counsel stated that the agency had no comments on the draft report. The staff member did not state whether the agency agreed or disagreed with our recommendation.
- In an e-mail received on June 26, 2017, a senior advisor in the Department of Agriculture's Office of the CIO did not state whether the department agreed or disagreed with our recommendation, but noted that the department understands that automated monitoring of server utilization and virtualization is critical to accurate data center performance and cost savings reporting.
- In written comments, Commerce stated that it agreed with our recommendation and described actions planned to implement it. Specifically, the department noted that, as part of its effort to consolidate, define, and establish a plan to deploy an enterprise-wide automated monitoring tool, it has identified two component agencies that will offer a data center infrastructure management tool as a service. The department added that this approach will allow it to monitor and report cost savings and avoidances more efficiently. Commerce's comments are reprinted in appendix II.

As discussed in detail in this report, data center optimization holds the potential for improved efficiency and cost savings. Consequently, we encourage the department to devote the necessary resources to ensure that automated monitoring tools are installed at all department-owned data centers by the end of fiscal year 2018, as required by OMB. State's comments are reprinted in appendix IX.

- In an e-mail received on July 3, 2017, a deputy director in Transportation's Audit Relations and Program Improvement office stated that the department concurred with our recommendation.
- In an e-mail received on July 20, 2017, an audit liaison in Treasury's Office of the CIO stated that the department had no comments on the draft report, and did not state whether the agency agreed or disagreed with our recommendation.
- In written comments, VA stated that it concurred with our recommendation and noted that it is developing a plan to fully comply with OMB's requirement to implement automated monitoring tools at all agency-owned data centers by the end of fiscal year 2018. The department added that it expects to complete this plan by November 2017. VA's comments are reprinted in appendix X.
- In written comments, EPA did not state whether the agency agreed or disagreed with our recommendation, but described planned actions to implement it. Specifically, the agency detailed plans to address OMB's requirements, such as leveraging EPA's current investment in a network monitoring tool and the intent to procure and deploy a data center infrastructure management tool by the end of fiscal year 2018. However, EPA also noted that budget cuts may delay the agency's efforts to fully implement the requirements of DCOI.

As noted earlier, because of the potential efficiency and savings from data center optimization, we believe EPA should devote the necessary resources to ensure that automated monitoring tools are installed at all department-owned data centers by the end of fiscal year 2018, as required by OMB. EPA's written comments are reprinted in appendix XI.

- In written comments, GSA stated that it agreed with our recommendation and that it plans to install automated monitoring tools by the end of fiscal year 2018. GSA's comments are reprinted in appendix XII.
- In written comments, NRC stated that it was in general agreement with our findings. The agency did not state whether it agreed or disagreed with our recommendation, but described actions planned to address it. Specifically, the agency stated that it plans to install

Appendix XI: Comments from the Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 27 2017

OFFICE OF
ENVIRONMENTAL INFORMATION

MEMORANDUM

SUBJECT: EPA's Response to GAO-17-448, "Data Center Optimization: Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal"

FROM: Steve Fine, Ph.D. *Steve Fine*
Acting Assistant Administrator and Acting Chief Information Officer

TO: David A. Powner, Director, GAO Information Technology Management Issues

The Office of Environmental Information (OEI) reviewed the Draft Report, GAO-17-448, "Data Center Optimization: Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal (101014). The purpose of this memorandum is to provide EPA's response to the report.

In the Draft Report, GAO recommends:

"the Secretaries of Agriculture, Commerce, defense, Homeland Security, Energy, HHS, Interior, Labor State, Transportation, Treasury, and VA; the Attorney General, the Administrators of EPA, GSA and SBA; the Director of OPM; and the Chairman of the NRC take action to, within existing OMB reporting mechanisms, complete plans describing how the agency will achieve OMB's requirement to implement automated monitoring tools at all agency-owned data centers by the end of fiscal year 2018."

EPA Response

EPA's Office of Environmental Information (OEI) is taking actions to report complete plans describing how the agency will achieve OMB's requirement to implement automated monitoring tools at all agency-owned data centers by the end of fiscal year 2018. Detailed plans for how EPA would accomplish OMB's requirements had not yet been defined in time to be included with the release of our 2016 strategic plan. EPA's 2017 Strategic Plan documents our intent to

achieve automated reporting of optimization metrics for all agency-owned data centers. For non-tiered data centers, OEI will leverage its current investment in a network monitoring tool Infraview (EM7) to fulfill OMB's requirements. Specific milestones that have/will be undertaken are as follows:

1. Assess functionality of EM7 to provide reporting capabilities adequate to OMB's requirements and develop server utilization report.
2. Expand licensing of EM7 to accommodate additional servers.
3. Send notification to DCOI points of contact to utilize EM7 for server utilization monitoring.

For tiered data centers OEI intends to procure and deploy a Data Center Infrastructure Management (DCIM) tool by the end of FY 2018. Outlined milestones for achieving this effort are as follows:

1. Perform market research and develop requirements that meet M-16-19 and agency requirements.
2. For selected vendor(s), perform proof-of-concept testing in a tiered data center.
3. Select vendor and procure / deploy DCIM to tiered data centers.
4. Leverage DCIM to provide monitoring of servers as per DCOI requirements.

As identified in EPA's 2017 Strategic Plan, investments for a DCIM tool and EM7 expansion are needed to meet OMB's required optimization activities. The estimated cost to make these improvements is believed to be fairly significant. Schedule adjustments from a realized budgetary cut is a potential outcome which may delay the implementation of DCOI.

cc: Mark T. Howard, OCFO
Patricia Randolph Williams, OEI



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENVIRONMENTAL INFORMATION

MEMORANDUM

SUBJECT: EPA's Response to GAO-17-448, "Data Center Optimization: Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal"

FROM: Tim Thorpe, Director, National Computer Center (NCC)
Office of Information Technology Operations

TO: Sherri Anthony, Acting Director, Policy Training & Accountability Division,
Office of the Controller, OCFO

The Office of Environmental Information (OEI) reviewed the Final Report, GAO-17-448, "Data Center Optimization: Agencies Need to Address Challenges and Improve Progress to Achieve Cost Savings Goal (101014). The purpose of this memorandum is to provide EPA's response to the report.

In the Final Report, GAO states "to better ensure that agencies complete DCOI planning documentation and that the initiative improves governmental efficiency and achieves intended cost savings, [GAO] we recommend that:

Recommendation 1:

"the Director of OMB direct the Federal CIO to formally document a requirement for agencies to include plans, as part of existing OMB reporting mechanisms, to implement automated monitoring tools at their agency-owned data centers."

Response:

EPA has no substantive comments.

GAO also recommends that the Secretaries of Agriculture, Commerce, defense, Homeland Security, Energy, HHS, Interior, Labor State, Transportation, Treasury, and VA; the Attorney

General, the Administrators of EPA, GSA and SBA; the Director of OPM; and the Chairman of the NRC:

Recommendation 2:

“take action to, within existing OMB reporting mechanisms, complete plans describing how the agency will achieve OMB’s requirement to implement automated monitoring tools at all agency-owned data centers by the end of fiscal year 2018.”

EPA Response

EPA’s Office of Environmental Information (OEI) is taking actions to report complete plans describing how the agency will achieve OMB’s requirement to implement automated monitoring tools at all agency-owned data centers by the end of fiscal year 2018. Detailed plans for how EPA would accomplish OMB’s requirements had not yet been defined in time to be included with the release of our 2016 strategic plan. EPA’s 2017 Strategic Plan documents our intent to achieve automated reporting of optimization metrics for all agency-owned data centers. For non-tiered data centers, for all agency-owned data centers, OEI will leverage its current investment in a network monitoring tool Infraview (EM7) to fulfill OMB’s requirements. Specific milestones that have/will be undertaken are as follows:

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As identified in EPA’s 2017 Strategic Plan, investments for a DCIM tool and EM7 expansion are needed to meet OMB’s required optimization activities. The estimated cost to make these improvements is believed to be fairly significant. Schedule adjustments from a realized budgetary cut is a potential outcome which may delay the implementation of DCOI.

cc: Mark T. Howard, OCFO
Bob Trent, OCFO
Patricia Randolph Williams, OEI
Towanda Burse, OEI
Patrick Grimm, OEI
Juanita Standifer, OEI

United States Senate

March 22, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

I write today in regards to an announcement made on February 6, 2018 by the Director of the National Exposure Research Laboratory within the Environmental Protection Agency's (EPA) Office of Research and Development informing employees of the decision to close its Las Vegas laboratory, located within leased space at the University of Nevada, Las Vegas (UNLV), at the end of September 2018, according to an email sent to staff.

Purportedly, the original plan had been to consolidate the laboratory's workspace after the UNLV lease expired in September 2020. This announcement would move up the plan by two years.

In addition, the EPA's Office of Administration and Resources Management (OARM), Las Vegas Human Resources Shared Service Center was also announced for closure. Reportedly, the human resources group, which occupies leased space in a neighboring building complex, had no advance knowledge their office would be closed until the announcement was made.

Recent news accounts on the announced closures say the decision leaves more than 50 employees in Nevada weighing relocation, retirement, or resignation.¹ Additional information indicates that 28 contractors would also be affected by the closures. Some of the scientists employed at the EPA laboratory are also adjunct professors at UNLV, leaving their relationship with the university in question.

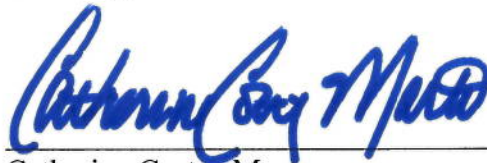
As you are well aware, several of my constituents now have many life-changing decisions to make in a short timeframe that not only effects them, but their families, other professional commitments, as well as the outcome of their ongoing research efforts. I urge you to give them the full support of your agency, and help provide them with certainty and specificity by answering the following questions:

¹ <https://federalnewsradio.com/agency-oversight/2018/02/epa-tells-las-vegas-employees-to-relocate-retire-or-resign/>

1. What was the evaluation used to determine the closure for this particular laboratory facility?
2. Why was the closure decision expedited to September 2018, rather than 2020?
3. What will happen to the research currently being done at this facility?
4. How will the agency accommodate employees that are unable to relocate? Will telework options be available to these employees?
5. What assistance is being provided to impacted employees?
6. What is the current status of the Office of Air and Radiation's Radiation and Indoor Environments National Laboratory which resides in a neighboring facility? Is this facility also under consideration for closure?
7. Section 104(e) of the Clean Water Act requires the EPA Administrator to establish, equip, and maintain field laboratory a research facility specifically in the "southwestern area" of the United States "for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention, reduction and elimination of pollution." Furthermore, each facility shall be "located near institutions of higher learning in which graduate training in such research might be carried out." What EPA facility in the southwest otherwise fits this criteria?

Thank you for your consideration of these matters of importance to my constituents. I kindly request a response to my inquiries by Thursday, April 12, 2018.

Sincerely,



Catherine Cortez Masto
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 22 2018

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

The Honorable Catherine Cortez Masto
United States Senate
Washington, D.C. 20510

Dear Senator Cortez Masto:

Thank you for your March 22, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding closures at EPA's Las Vegas facilities. The Administrator asked that I respond on his behalf.

Since 2012, the U.S. Environmental Protection Agency has released over 517 thousand square feet of office space nationwide resulting in cumulative annual rent avoidance of nearly \$20 million. The EPA is continuing to invest in reconfiguring workspace to align with current workforce levels and to reduce long-term rent costs consistent with the Federal Assets Sale and Transfer Act (FASTA) of 2016.

In 2012, the agency began discussing with Congress the future of the laboratory located in Las Vegas, Nevada. The Office of Research and Development (ORD) has had a leasing arrangement with the University of Las Vegas, Nevada for many years, allowing the EPA to rent laboratory and office space on the university campus. In 2014, the UNLV indicated they are not interested in continuing this arrangement. Accordingly, EPA began making preparation for an alternative location to continue this work in that same year.

The Office of Administration Resources and Management (OARM) conducts human resources transactional services currently through three Human Resources (HR) Shared Service Centers including Las Vegas. The centers in Cincinnati, Ohio and Research Triangle Park, North Carolina are in EPA-owned facilities. The HR shared service center in Las Vegas, Nevada, the smallest of the three, is in leased space.

Consistent with the FASTA, a decision was made that the work currently performed by OARM and ORD in Las Vegas, would transition to EPA-owned locations by September 30, 2018. This determination will ensure the agency continues to provide services in an efficient and cost-effective manner.

Operations will continue in federally-owned space in other EPA locations and will reduce the EPA's overall operational costs moving forward. The EPA's human resources staff of 17 employees have been offered paid relocation to equivalent positions at the EPA's headquarters, Cincinnati or Research Triangle Park offices. Likewise, the agency's research personnel staff of 32 have been offered paid relocation to equivalent positions at Cincinnati, Ohio, Research

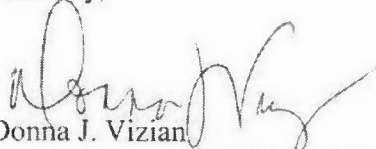
Triangle Park, North Carolina, Athens, Georgia or other ORD locations. The EPA also received approval by the Office of Personnel Management and the Office of Management and Budget of a Voluntary Early Retirement Authority and Voluntary Separation Incentive Payment package, funded from the FY 2017 Environmental Programs and Management Appropriations Account.

The current lease with the UNLV expires on September 30, 2020, but given the long history of laboratory work by the EPA and its predecessors, the EPA needs approximately two years to conduct the required sampling and clean-up activities needed to release the space back to the UNLV and to meet Nuclear Regulatory Commission decommissioning and license requirements.

The important research conducted at the Las Vegas location will continue at the agency's laboratories in Research Triangle Park North Carolina. Additionally, laboratory facilities in Colorado will ensure that the EPA meets the requirement of Section 104(e) of the Clean Water Act, which states that the EPA must have laboratory facilities in the southwestern area of the United States near institutions of higher learning.

We appreciate your continued support of these important priority areas. If you have further questions, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at Moody.christina@epa.gov or 202-564-0260.

Sincerely,



Donna J. Vizian
Principal Deputy Assistant Administrator

Eades, Cassaundra

From: Hope, Brian on behalf of EPAExecSec
Sent: Monday, April 02, 2018 5:49 PM
To: Eades, Cassaundra; Mims, Kathy
Cc: Lyons, Troy; Richardson, RobinH
Subject: Fw: Case ID#PR-023103 Rep. Rodney Davis letter dated 3.9.18 with 3 additional signees
Attachments: PR-023103 - Rep. Rodney Davis with 3 additional signees - Mar 09 18 - RF....pdf

From: FN-WHO-Document Tracking Unit <FN-WHO-DocumentTrackingUnit@who.eop.gov>
Sent: Monday, April 2, 2018 5:33 PM
To: EPAExecSec
Subject: Case ID#PR-023103 Rep. Rodney Davis letter dated 3.9.18 with 3 additional signees

**THE WHITE HOUSE
OFFICE OF RECORDS MANAGEMENT
DOCUMENT MANAGEMENT AND TRACKING UNIT**

Please see attached letter addressed to the President from Congressional Member(s).

To: Environmental Protection Agency

Action Requested: Appropriate Action

Please send a copy of response or draft response for signature (if one is requested) to the Document Management and Tracking Unit mailbox, FN-WHO-DOCUMENTTRACKINGUNIT@WHO.EOP.GOV. include any additional comments and/or actions taken by your agency. If more information is needed call (202) 456-2590.

Congress of the United States
Washington, DC 20515

March 9, 2018

The Honorable Donald J. Trump
President of the United States
The White House
Washington, D.C.

Dear President Trump,

As the co-chairs of the Congressional Biofuels Caucus, we urge you to reject any changes to the Renewable Fuel Standard (RFS) that would negatively impact the farm economy.

The RFS promotes economic growth and energy security for American farmers and rural communities. By 2016, the biofuels industry had grown to support more than 339,000 U.S. jobs and drive nearly \$41.2 billion in economic activity. At a time of depressed commodity prices and sinking farm incomes, it is now more important than ever to maintain a strong RFS.

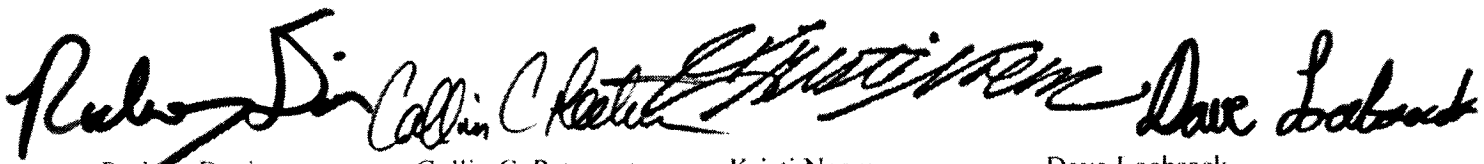
Recent suggestions to cap Renewable Identification Number (RIN) prices or make other modifications to the program would seriously undermine the RFS and cause harm to rural communities. A study from Iowa State University found that a RIN price cap would result in approximately a 25 cent per bushel decrease in the price of corn. This would devastate farmers in our districts and cost corn farmers over \$3.5 billion in lost revenue. Farmers need a voice in these discussions and should always have a seat at the table when changes to the RFS are proposed.

For more than a decade refineries had the opportunity to make business decisions based on the RFS which rewards entities who blend larger volumes of biofuels. That is why the Environmental Protection Agency concluded in November 2017 that high RIN prices do not hurt refiners. Undercutting the program at this point would arbitrarily pick winners and losers and punish companies that made prudent investments in biofuels infrastructure.

We are always available to work with you on pro-growth policy efforts, like expanding access to E15 year-round which would support farmers and moderate RIN prices while supporting an additional 136,000 U.S. jobs. But we cannot support destructive policies that hurt our nation's farm economy.

We look forward to working with you on pro-biofuel and pro-agriculture policies, and urge you to stand with American farm families and rural communities.

Sincerely,


Rodney Davis Collin C. Petersen Kristi Noem Dave Loebsack
Member of Congress Member of Congress Member of Congress Member of Congress

United States Senate

WASHINGTON, DC 20510

March 6, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20004

Dear Administrator Pruitt,

We write to request that you provide information about the role [REDACTED] plays at Environmental Protection Agency ("EPA"). It has come to our attention that, in addition to being employed by EPA, [REDACTED] is also a Principal at Sequoia Security Group. We understand that at least one business partner of [REDACTED] at Sequoia, [REDACTED], has received a security-related contract from EPA within the last year. These facts raise questions about [REDACTED] compliance with EPA regulations and concerns that he may have used his position at the agency to influence the award of EPA contracts to a person or company in which he has a financial interest.

It is our understanding that [REDACTED] is a key member of your protective security detail. His LinkedIn profile states he serves as "Acting Special Agent in Charge" of a U.S. Government agency.¹ According to records provided by EPA to Senator Whitehouse last year, [REDACTED] has accompanied you on several trips outside Washington DC, including trips to Kentucky on June 7, 2017, Tulsa and Guymon, OK on July 27, 2017, Denver and Durango, CO on August 4, 2017, and Grand Forks, ND on August 9, 2017. This is likely an incomplete list of out-of-state travel by you and Mr. Perrotta because the documents provided were related only to your travel on non-commercial flights through August 2017, and [REDACTED] accompanied you on all four of the flights identified.

Sequoia Security Group, Inc. is a Maryland-based firm that purports to provide "unique and proven senior executive strategic leadership...in national security, cyber security, protection, investigations, risk, compliance, emergency preparedness and technical surveillance countermeasures."² As a Principal in this company [REDACTED] highlights his experience "in threat analysis/mitigation, physical and facility security, major event logistics and VIP travel."³ His firm biography includes the following:

Since 2004, [REDACTED] has been a Senior Special Agent with a United States Government [sic] Agency. He is charged with a dual mission, protecting a member of the U.S. Presidential cabinet and coordinating protective intelligence information. [REDACTED] has conducted numerous security preparations for his mission and has been responsible for the coordination of both domestic and foreign security advances and conducted sensitive

¹ <https://www.linkedin.com/in/nino-perrotta-6b8bb412/>

² <http://sequoiasecuritygroup.com/about.html>

³ <http://sequoiasecuritygroup.com/nino-perrotta.html>

internal and contract investigations valued up to \$250 million relating to waste, fraud, abuse and other violations of criminal and civil law.⁴

The firm has described ██████████ as its founder.⁵ His biography on the Sequoia website does not specifically mention that he works for EPA or that the cabinet member he protects is you.

In December, the Associated Press reported that you hired one or more private contractors with federal funds to have your “office swept for hidden listening devices and bought sophisticated biometric locks for additional security.”⁶ That article indicated that a \$3,000 contract was given to ██████████ Associates for a “bug sweep” and two other contracts, both under the \$3,500 threshold for public reporting, were given for the purchase of biometric locks. ██████████ is Vice President of Technical Surveillance Countermeasures at Sequoia; in other words, he is a business partner of ██████████.⁷ The recipients of the other contracts were not identified in the article.

EPA has adopted supplemental regulations governing outside employment by EPA employees. Those regulations:

- Require approval from an EPA ethics official before an employee engages in outside employment, including consulting services or a subject matter that deals with the policies, programs or operations of EPA;
- Require that any request for approval of outside employment be submitted in writing, and specify the nature of the activity, the name of the organization for which the work will be done, the estimated time to be devoted to the job, and whether the service will be performed entirely outside business hours;
- Prohibit the use of official duty time or federal resources from being used for the outside employment;
- Require that the employee submit revised requests for approval upon a change in the nature and scope of the employee’s duties at EPA or the employee’s outside employment; and
- Limit any approval to five years.⁸

EPA employees are also subject to federal law and regulations governing conflicts of interest. 18 U.S.C. 208 prohibits federal employees from participating “personally and substantially as a Government officer or employee...in a...contract, claim...or other particular matter in which, to his knowledge, he, his...general partner, [or] organization in which he is serving as officer, director, trustee, general partner or employee...has a financial interest.” A waiver to the provisions of section 208 may be granted only if EPA determines in advance that the “employee’s financial interest in the particular matter or matters is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such employee.”⁹

⁴ Id.

⁵ <https://www.prnewswire.com/news-releases/sequoia-security-group-inc-and-global-security-solutions-inc-team-up-in-strategic-global-partnership-300153905.html>

⁶ Michael Biesecker, “EPA chief sweeps office for bugs, installs high-tech locks” Associated Press, Dec. 19, 2017, available at: <https://www.apnews.com/242fd35342c34a41b2e2db69b64c44d1>.

⁷ <http://sequoiasecuritygroup.com/edwin-steinmetz.html>

⁸ 5 C.F.R. 6401.103

⁹ 5 C.F.R. 2635.402(d)(2)(ii).

So we can understand how EPA is ensuring that [REDACTED] is complying with the requirements of 5 C.F.R. 6401.103, please provide the following:

- All requests for approval of outside employment by [REDACTED], including supporting documentation and any other information relevant to the requirements of 5 C.F.R. 6401.103.
- All approvals given by EPA for his outside employment, including any guidance about or limitations to those approvals in any form.
- All financial disclosures made by [REDACTED] during his employment at EPA. If [REDACTED] did not make financial disclosures for any period of his employment at EPA, please provide an explanation of those gaps.

With respect to [REDACTED]'s current work at EPA:

- What are [REDACTED]'s current job title and responsibilities? How have his position and responsibilities changed during your tenure as Administrator?
- [REDACTED]'s LinkedIn page describes his current position as "Acting Special Agent in Charge." If that is an accurate description, why is he in an "acting" role? Are there plans to post that position for all eligible applicants to compete for? If not, why not? Under what circumstances did the prior Special Agent in Charge leave?
- [REDACTED]'s job responsibilities have changed, how did EPA account for them in decisions authorizing his outside employment pursuant to 5 C.F.R. 6401.103?
- In his private employment at Sequoia [REDACTED] notes his expertise in "threat analysis and mitigation" and "VIP travel." Please provide any written assessments authored in whole or in part, or reviewed by [REDACTED] of security threats to you, including but not limited to the determination that security considerations required you to fly first-class, that you needed to have your office swept for electronic listening devices, that you needed to install biometric locks, that you needed a secure communications booth, that you require around-the-clock security protection, and any other non-disclosed security measure or project you have decided to undertake.
- [REDACTED] responsible for any contracting decisions, including the determination that EPA should contract for private security services or who should be awarded a contract?
- Please provide any waivers to the conflict of interest provisions of 18 U.S.C. 208 issued by EPA to [REDACTED].

With respect to Sequoia and [REDACTED] Associates:

- Please provide copies of all contracts between EPA and Sequoia, [REDACTED] Associates, or any other person associated with Sequoia.
- Please provide copies of all three contracts related to the bug sweep and biometric locks identified in the Associated Press article.
- Was [REDACTED] involved in any decision related to the need for this particular security assessment or the award of these contracts in particular? If so, please provide any documentation authorizing him to participate in these decisions.

- Were these contracts competitively bid? If not, why not and please describe how contractors were selected.

We would appreciate a response to these questions, and responsive documents, not later than March 21, 2018. If you have any questions about these requests please contact Michal Freedhoff (michal_freedhoff@epw.senate.gov) or Joe Gaeta (joe_gaeta@whitehouse.senate.gov).

Sincerely,



Thomas R. Carper
United States Senator



Sheldon Whitehouse
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

AUG 21 2018

OFFICE OF
GENERAL COUNSEL

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Senator Carper:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter of March 6, 2018, to then Administrator E. Scott Pruitt and your follow-up letter of April 24, 2018, to me in my role as EPA's Designated Agency Ethics Official (DAEO). In those letters, you sought information regarding former EPA employee [REDACTED], and his outside activity with Sequoia Security Group.

EPA employees are subject to the EPA's supplemental ethics regulations at 5 C.F.R. Part 6401 that require them to request approval for certain types of outside activity, whether compensated or not. As the DAEO, I am responsible for directing the daily activities of the agency's ethics program. EPA's ethics program utilizes local Deputy Ethics Officials (DEOs) appointed in offices across the agency to provide ethics counselling to the employees within the DEO's office or region. In the specific case of [REDACTED], who was an employee of the Office of Criminal Enforcement, Forensics and Training (OCEFT), he sought and received counseling regarding his outside activity from his local DEO.

On February 28, 2013, [REDACTED] wrote to the OCEFT DEO to seek approval to "consult and or [sic] business develop [sic] for a security firm that will provide cyber-security and denial of service insurance to the consumer." He estimated that he would consult with two to three clients, for approximately three to six hours per week outside of his regular work hours and Law Enforcement Availability Pay (LEAP) Hours. Among the facts supplied by [REDACTED] in his request was his assertion that "I will not conduct business with folks that have an EPA service agreement or contracts with EPA." On March 5, 2013, the OCEFT DEO approved his request for five years, provided there was no change in the nature or scope of the duties or services performed as part of the outside activity. If there were a change, [REDACTED] was advised that he "must" submit a revised request for approval.¹ No such revised requests were submitted.

¹ Your letter appears to understand this provision in the outside activity request approval as requiring [REDACTED] to submit a revised request if his EPA responsibilities changed. See Letter at 2 ("Mr. Perrotta's duties at EPA have changed significantly since 2013."). The requirement to submit a revised request applied if [REDACTED]'s duties at his outside activity changed, however:

Enclosed are copies of the Outside Activity Request that [REDACTED] submitted in February 2013, and the associated approval of that request by the then-Deputy Ethics Official for the Office of Criminal Enforcement, Forensics and Training.

On January 18, 2018, [REDACTED] sought an extension of his outside activity approval for one additional year (until March 5, 2019).² Although [REDACTED] grade and position title had changed since February 2013, he continued to serve with the Protective Services Detail. In the judgment of the current OCEFT DEO, the change in his position did not materially affect his analysis of whether to approve the request. Before acting on the request, the DEO asked Mr. [REDACTED] to confirm "that all of the information you submitted in your outside activity request to [the prior DEO] on February 28, 2013 via email is still accurate and correct." [REDACTED] responded: "Yes sir it is still accurate and correct." Based on the assertion that the other terms and conditions of the outside activity remained unchanged, the DEO granted approval for an additional year. [REDACTED] resigned from the EPA prior to the end of that additional period.

[REDACTED]'s confidential financial disclosure reports³ are reviewed and certified annually by his local DEO. Filers are required to report any outside position and source of noninvestment income pursuant to 5 C.F.R. § 2634.907. Filers who fail to file or falsify information on the confidential financial disclosure report are subject to 5 C.F.R. § 2634.909(b). Should I have reasonable cause to believe that a filer willfully failed to report information accurately on a financial disclosure report, then I should refer the matter to the Office of Inspector General for possible investigation. I note that the EPA Inspector General announced that it has agreed to investigate the circumstances surrounding [REDACTED]'s outside activity request; outside work performed; and Mr. Perrotta's actions, if any, related to a contract awarded to a business associate connected to the outside activity. Any further evaluation by the Ethics Program will occur at the OIG's request or once the OIG issues a report of investigation in this matter.

Irrespective of the outside approval process, it is always an employee's obligation to adhere to the federal ethics laws and regulations. While an EPA employee [REDACTED] was subject to the financial conflict of interest standards, the representational conflict of interest statutes, and the Standards of Ethical Conduct for Employees of the Executive Branch, which include specific provisions on loss of impartiality and misuse of position at 5 C.F.R. Part 2635, Subparts E and G.

As part of my responsibilities as the DAEO, I have asked my team to work with the local DEOs to reinforce for all employees, whether they file financial disclosure reports or not, their obligations regarding any outside activity. If employees do file a disclosure report and indicate

"I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment. Please keep in mind that if the nature or scope of the duties or services performed changes, you must submit a revised request."

² [REDACTED] also consulted with an ethics official regarding his self-published memoir. In that instance, the ethics official concluded that because the book was not about his work at EPA, prior approval of an outside activity request was not required.

³ OGE 450s are subject to the Privacy Act, 5 U.S.C. § 552a, which only allows for release to a Member of Congress or a congressional office when the inquiry is made on behalf of the individual who is the subject of the record.

that they have outside positions for which prior approval is required, then we have reminded the DEOs to review their files to ensure that a current approval is in place and that any necessary information is accurately reflected on the report.

You also requested documents related to the security sweep of former Administrator Pruitt's office by [REDACTED] Associates. Documents responsive to this request were released to your staff on June 15, 2018. The Ethics Program was not involved in either the requisition or the sweep.

Thank you for your letter. If you have further questions, you may contact me at Minoli.Kevin@epa.gov or (202) 564-8064, or Kristien Knapp in the Office of Congressional Affairs at Knapp.Kristien@epa.gov or (202) 564-3277.

Sincerely yours,



Kevin S. Minoli
Designated Agency Ethics Official
Principal Deputy General Counsel

Enclosure

cc: The Honorable John Barrasso
Chairman



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

AUG 21 2010

OFFICE OF
GENERAL COUNSEL

The Honorable Sheldon Whitehouse
United States Senate
Washington, D.C. 20510

Dear Senator Whitehouse:

On behalf of the U.S. Environmental Protection Agency, I am writing in response to your letter of March 6, 2018, to then Administrator E. Scott Pruitt and your follow-up letter of April 24, 2018, to me in my role as EPA's Designated Agency Ethics Official (DAEO). In those letters, you sought information regarding former EPA employee, [REDACTED], and his outside activity with Sequoia Security Group.

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Irrespective of the outside approval process, it is always an employee's obligation to adhere to the federal ethics laws and regulations. While an EPA employee [REDACTED] was subject to the financial conflict of interest standards, the representational conflict of interest statutes, and the Standards of Ethical Conduct for Employees of the Executive Branch, which include specific provisions on loss of impartiality and misuse of position at 5 C.F.R. Part 2635, Subparts E and G.

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"I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment. Please keep in mind that if the nature or scope of the duties or services performed changes, you must submit a revised request."

² Mr. Perrotta also consulted with an ethics official regarding his self-published memoir. In that instance, the ethics official concluded that because the book was not about his work at EPA, prior approval of an outside activity request was not required.

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that they have outside positions for which prior approval is required, then we have reminded the DEOs to review their files to ensure that a current approval is in place and that any necessary information is accurately reflected on the report.

You also requested documents related to the security sweep of former Administrator Pruitt's office by Edwin Steinmetz Associates. Documents responsive to this request were released to your staff on June 15, 2018. The Ethics Program was not involved in either the requisition or the sweep.

Thank you for your letter. If you have further questions, you may contact me at Minoli.Kevin@epa.gov or (202) 564-8064, or Kristien Knapp in the Office of Congressional Affairs at Knapp.Kristien@epa.gov or (202) 564-3277.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'K. S. Minoli', with a stylized flourish at the end.

Kevin S. Minoli
Designated Agency Ethics Official
Principal Deputy General Counsel

Enclosure

Cavanaugh, Charles

From: Cavanaugh, Charles
Sent: Thursday, January 25, 2018 12:05 PM
To: [REDACTED]
Subject: Outside Activity Request Extension - [REDACTED]

[REDACTED]

Being that all the underlying information on which former DEO Jon Cole made his affirmative determination, and being this is simply a time extension, I approve the extension of your Outside Activity Request for one year (until March 5, 2019).

PLEASE NOTE: In addition to the counsel Jon provided in his 2013 approval which remains in effect, I would also counsel you that since it is a compensated outside activity, you may NOT utilize any government resources including phones, computers, fax machines, copiers etc in support of this activity. **Please remember this includes government time.** You may not conduct any outside compensated activities while on official duty (even utilizing your personal cellphone etc).

Thanks for checking in on this, and call with any questions.

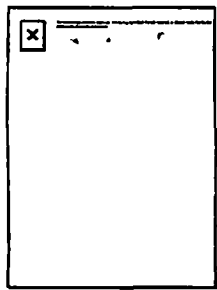
Chuck Cavanaugh
Associate Director and Deputy Ethics Official
Office of Criminal Enforcement, Forensics and Training (MC 2231A), Room 1211 WJC-S
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
(202) 564-0791
(202) 501-0599 (fax)

From: [REDACTED]
Sent: Thursday, January 25, 2018 11:54 AM
To: Cavanaugh, Charles <Cavanaugh.Charles@epa.gov>
Subject: Re: Good Morning - [REDACTED]

Yes sir it is still accurate and correct.

V/r,

[REDACTED] | Special Agent in Charge
U.S. Environmental Protection Agency |
Protective Service Detail |
[REDACTED] | www.epa.gov
C: +1 202 263 9115



CONFIDENTIALITY NOTICE: This message and any attachments is from a Federal Law Enforcement Officer of the U.S. Environmental Protection Agency, Protective Service Detail which may contain CONFIDENTIAL and legally protected information. It is intended exclusively for the individual(s) or entity(s) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

On Jan 25, 2018, at 11:51 AM, Cavanaugh, Charles <Cavanaugh.Charles@epa.gov> wrote:

[REDACTED]

Thanks for staying diligent on this! Before I can make the final determination – can you confirm that all of the information you submitted in your outside activity request to Jon Cole on February 28, 2013 via email is still accurate and correct?

Chuck Cavanaugh
Associate Director and Deputy Ethics Official
Office of Criminal Enforcement, Forensics and Training (MC 2231A), Room 1211 WJC-S
Office of Enforcement and Compliance Assurance
United States Environmental Protection Agency
(202) 564-0791
(202) 501-0599 (fax)

From: [REDACTED]
Sent: Thursday, January 18, 2018 10:14 AM
To: Cavanaugh, Charles <Cavanaugh.Charles@epa.gov>
Subject: Good Morning [REDACTED]

Sir -

I hope you are well!

This is coming due and was looking to extend it for one year if possible?

Respectfully,
[REDACTED]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 5, 2013

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Approval of Request for Outside Activity/Employment

FROM: Jonathan S. Cole *Jonathan S. Cole*
Deputy Ethics Official
Associate Director
Office of Criminal Enforcement, Forensics and Training

TO: [REDACTED]

You have requested approval for outside employment in accordance with 5 CFR §6401.103, to consult or develop business, or both, for a security firm that will provide cyber-security and denial of service insurance to consumers. The basis for your compensation will be by commission. You state that you will be self-employed in this activity and that you expect to provide consulting to 2-3 clients, for approximately 3-6 hours per week.

You are a GS-13 Special Agent with OCEFT, on the Protective Services Detail. You state that all consulting and business activities relating to this outside employment will be conducted outside of your duty hours or LEAP (availability pay) requirements, or any necessary unexpected or emergency work.

You also state that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment, and that you will not be employed pursuant to an EPA contract or grant.

You indicate that have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations).

I am approving your request to accept this outside employment and conduct it in accordance with the applicable rules and regulations concerning outside employment. Please keep in mind that if the nature or scope of the duties or services performed changes, you must submit a revised request for approval. Absent such changes, this approval is effective for a

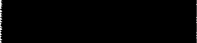
period of five (5) years.

The Office of General Counsel (OGC) has noted certain issues which should guide you in conducting this outside employment. The first issue relates to the use of your official title. In order to comply with ethics guidelines, you should not refer to your official title or position, to avoid creating the appearance that your activities or services are in any way approved by or affiliated with the EPA.

You should also be alert to the potential for conflicts of interest if you represent your outside employer back to the federal government, so you should not do so in relation to any contracts or consulting agreements, or other activities. Please feel free to contact me to discuss any particular situation that might potentially raise a concern.

You must also be sure to report this outside activity on your OGE Form 450, Confidential Financial Disclosure Statement, as appropriate, including as an outside position and a source of income.

If you have any questions concerning this memorandum or the issues discussed, please contact me at (202) 564-2533.

cc: Jonathan S. Cole
Steven Drielak
Brian Maas


Cole, Jonathan

From: [REDACTED]
Sent: Thursday, February 28, 2013 1:37 PM
To: Cole, Jonathan
Cc: [REDACTED]
Subject: Permission: Outside Employment

Dear Mr. Jonathan Cole,
CC SAIC [REDACTED]

Subject: Permission: Outside Employment

I am seeking permission to conduct outside employment that will not interfere with either my daily obligations as a special agent of the EPA and or obligations to leap.

I have attached the guidance provided by Ms. Justina Fugh in order to have this request properly completed.

1. Title: Special Agent, EPA-CID [REDACTED] 3
2. I will consult and or business develop for a security firm that will provide cyber - security and denial of service insurance to the consumer. All compensation will be based on commission.
3. Self employed; will be providing consulting to 2-3 clients.
4. I will be dedicating approximately 3 to 6 hours a week to this outside employment.
5. All consulting and or busienss developemnt services will be conducted outside of my duty hours and or leap requirements.
6. During the course of my consulting I will not use government property, government duty time, resources or facilities to service my outside employment.
7. Compensation; will be a commission fee that will be based on the service time needed to accomplish the project.
8. I read, I am familiar with and will abide by the restrictions described in 5 CFR Part 2635 and section 6401.102.
9. I will not conduct business with folks that have an EPA service agreement or contracts with EPA.

Thank you,

[REDACTED]
Special Agent
EPA-CID
Protective Services Division
202-263-9115

From: Fugh, Justina
Sent: Monday, February 25, 2013 3:40 PM
To: [REDACTED]
Subject: closing the loop

Hi [REDACTED],
Sorry to have taken a few days to get back to you. You had asked whether an EPA special agent could take on a security related job in addition to performing his/her official EPA duties. The answer is a cautious yes, but the agent will have to: (a) seek prior approval of the outside activity by following the directions below; and (b) understand that any outside work must not be put ahead of the EPA work. In the event that the agent is required to work (under LEAP, for instance), then the agent must comply. The outside job cannot take precedence over the EPA work.

To seek prior approval of the outside activity, the agent must send a request through his first level supervisor to be approved by his Deputy Ethics Official. In the case of OCEFT, the DEO is Jonathan Cole. The request (which can be an email) must address the following:

- name, title and grade;
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;
- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- the basis for compensation (e.g., fee, per diem, per annum, etc.)
- a statement that the employee has read, is familiar with, and will abide by the restrictions described in 5 CFR Part 2635 (Subpart H on "Outside Activities) and Section 6401.102 (EPA's Supplemental Regulations); and
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 Ariel Rios North
| Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | cell 202-731-3631 | fax
202-564-1772

Congress of the United States
Washington, DC 20515

March 7, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Pruitt:

The Committees on Science, Space, and Technology and Natural Resources continue our oversight of the U.S. Environmental Protection Agency's (EPA) 2014 proposed determination to use Section 404(c) of the Clean Water Act to pre-emptively limit the scope of the development of the Pebble Mine in Bristol Bay, Alaska. As the Committees with primary jurisdiction over the science underpinning policy and regulatory decisions at EPA, we are committed to ensuring that the agency's decision-making is based on sound and transparent science. While the Committees are encouraged by your assertion that the agency will carry out its decisions based on due process and the rule of law, recent developments regarding the consideration of the 2014 proposed determination raise serious concerns about the commitment to this goal.

As you are aware, the Committees have determined that the preemptive action taken for the Pebble Mine Project was unprecedented under the Clean Water Act and was justified by a questionable scientific assessment that relied on predetermined conclusions developed by EPA officials.¹ In the course of Committee hearings, document reviews, interviews, and depositions, the Committees learned that EPA employees inappropriately assisted outside groups in petitioning the agency to change the way it operates and to use Section 404(c) to stop this project.² Furthermore, the Committees determined that EPA officials charged with preparing the scientific assessment, which influenced the agency's final action, acted with bias and predetermined conclusions aimed to prevent this project and improperly expand EPA's authority under the Clean Water Act.³

¹ *Examining EPA's Predetermined Efforts to Block the Pebble Mine: Hearing Before the H. Comm. on Science, Space, and Technology*, 114th Cong. (2015); *Examining EPA's Predetermined Efforts to Block the Pebble Mine Part II: Hearing Before the H. Comm. on Science, Space, and Technology*, 114th Cong. (2016).

² *Id.*

³ *Id.*

In light of these concerns, in February 2017, the Science Committee recommended that the incoming Administration rescind the EPA's proposed determination to use Section 404(c) in a preemptive fashion for the proposed Pebble Mine in Bristol Bay, Alaska. While it was encouraging that EPA announced in July 2017 that the agency was considering a withdrawal, it is unfortunate that on January 26, 2018, EPA announced that it was withdrawing its consideration of rescinding the 2014 proposed determination. Despite this decision by the EPA, the Committees believe that the agency can continue to uphold the principles of due process and the rule of law by proceeding with a specific course of action.

The Pebble Limited Partnership submitted a permit application to the U.S. Army Corps of Engineers (Corps) in December 2017 to begin the process for a section 404 permit.⁴ This rigorous process includes the development of an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. The Corps will soon engage with an independent third party to conduct the EIS, an action that reflects the most robust analysis of environmental impacts of the proposed project.⁵

In light of these developments, and in a commitment to the principles of due process and the rule of law, the Committees recommend that before taking any further action, EPA recognize that a permit application has been completed by Pebble and that the Corps is carrying out a rigorous EIS process. Moreover, we suggest that EPA clearly states that in the event the EIS scoping process undertaken by the Corps addresses all of the major issues identified in the 2014 proposed determination, that EPA will withdraw the proposed determination. To further alleviate any environmental concerns that you may have regarding this process, the Committee recommends that EPA Region 10 monitor the Corps' scoping process and review any public comments filed therein. After consultation with Region 10, the EPA can make a final informed decision on the status of the proposed determination.

Using the Corps EIS process to inform the decision on the proposed determination will allow a return to the long-established Clean Water Act permitting process, enforcing the principles of due process and the rule of law. Moreover, it establishes a commitment to regulatory certainty and environmental protection while advancing the Administration's commitment to streamlining the permitting process based on sound science. We look forward to working with you further throughout this process.

If you have any questions about this request, please contact the relevant staff of the Committees. Thank you for your attention to this matter.

⁴ E.g., Press Release, Northern Dynasty Minerals Ltd., Northern Dynasty: Pebble to Initiate Federal and State Permitting on December 22, 2017 (Dec. 21, 2017), *available at* <https://www.northerndynastyminerals.com/news/news-releases/2017/northern-dynasty-pebble-to-initiate-federal-and-state-permitting-on-december-22-2017/>.

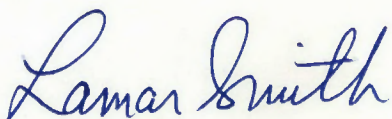
⁵ Press Release, Northern Dynasty Minerals Ltd., Northern Dynasty: National Environmental Policy Act Permitting Process for Southwest Alaska's Pebble Project Advances with Selection of 3rd Party EIS Contractor (Feb. 5, 2018), *available at* <https://www.northerndynastyminerals.com/news/news-releases/2018/northern-dynasty-national-environmental-policy-act-permitting-process-for-southwest-alaskas-pebble-project-advances-with/>.

The Honorable Scott Pruitt

March 7, 2018

Page 3

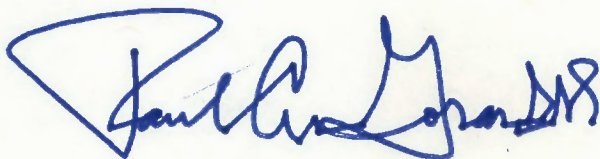
Sincerely,



Lamar Smith
Chairman
Committee on Science, Space,
and Technology



Rob Bishop
Chairman
Committee on Natural Resources



Paul Gosar
Chairman
Congressional Western Caucus

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member, House Committee on
Science, Space and Technology

The Honorable Raul Grijalva, Ranking Minority Member, House Committee on Natural
Resources



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

The Honorable Lamar Smith
House of Representatives
Washington, D.C. 20515

OFFICE OF WATER

Dear Congressman Smith:

Thank you for your March 7, 2018, letter to the U.S. Environmental Protection Agency's Administrator Scott Pruitt regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination regarding the deposit and the Pebble Limited Partnership's December 2017 Section 404 permit application to the U.S. Army Corps of Engineers to develop a mine at the deposit site. Administrator Pruitt has asked me to respond to you on his behalf.

In your letter you indicate that the Corps will begin development of an Environmental Impact Statement pursuant to the National Environmental Policy Act as part of its review of Pebble's December 2017 Section 404 permit application. You recommend that before taking any further action, the EPA recognize that a permit application has been completed by Pebble and that the Corps is carrying out an EIS process. Your letter also recommends that the EPA monitor the Corps' EIS process and use its findings to help inform any future decision-making regarding the EPA's Section 404(c) action in this case.

Regarding your recommendation that the EPA recognize Pebble's permit application and the Corps' EIS process before any future Section 404(c) decision-making, the EPA recognized both in its January 26, 2018, decision not to withdraw its 2014 Proposed Determination¹. At the time, EPA stated that the decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. Pebble's permit application, which triggered the EIS process, was a factor in the EPA's decision-making.²

Regarding your recommendation that the EPA monitor the Corps' EIS process and use its findings to help inform any future decision-making regarding the EPA's Section 404(c) action in this case, the EPA, at the invitation of the Corps, has agreed to be a cooperating agency in the Corps' EIS process. In addition, now that Pebble has submitted its permit application, under the terms of a settlement agreement³ negotiated with Pebble, EPA Region 10 will not forward a signed Recommended

¹ A Proposed Determination is the second step in EPA's four-step Clean Water Act Section 404(c) review process of: (1) Initiation, (2) Proposed Determination, (3) Recommended Determination, and (4) Final Determination (40 CFR part 231).

² For a copy of EPA's January 26, 2018 decision see: <https://www.epa.gov/bristolbay/about-epas-decision-not-withdraw-proposed-clean-water-act-restrictions-mining-pebble>

³ For more information regarding this May 2017 settlement agreement see: <https://www.epa.gov/bristolbay>

Determination, if such a decision is made, before either May 11, 2021, or until the EPA provides public notice of a final EIS issued by the Corps on Pebble's permit application, whichever comes first.

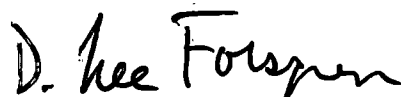
Because of this forbearance, the factual record regarding Pebble's permit application can develop through the EIS process. Furthermore, the EPA's January 26, 2018, decision states that it will review and consider any relevant information that becomes available to inform future Section 404(c) decisions.

The Bristol Bay watershed supports world-class fishery resources, producing nearly half of the world's sockeye salmon – a resource the Administrator believes is worthy of protection under the express terms of the Clean Water Act. The EPA's Bristol Bay Watershed Assessment evaluated the impacts of the construction and operation of a mine at the Pebble deposit on the watershed's fishery resources based on preliminary mine plans that Pebble submitted to the U.S. Securities and Exchange Commission in 2011. While there are clearly a range of views on the conclusions of the BBWA, the effort did undergo two rounds of independent external peer review as well as two rounds of public comment, which generated more than one million public comments. In January of 2016, after a 17-month in-depth evaluation of the BBWA, the EPA's Office of the Inspector General, which is an independent review body within the EPA, concluded that there was no evidence of bias or a pre-determined outcome, and that the Agency followed all appropriate policies and procedures. The BBWA will be only one of several resources that the Administrator would likely use to make any Final Determination regarding exercise of authority under Section 404(c).

The EPA acknowledges the significant public interest on this issue and remains committed to listening to all stakeholders as the permitting process progresses. Neither the EPA's January 2018 decision nor the previous settlement agreement guarantees or prejudices a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law and process, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

A handwritten signature in black ink that reads "D. Lee Forsgren". The signature is written in a cursive, flowing style.

D. Lee Forsgren
Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

The Honorable Rob Bishop
House of Representatives
Washington, D.C. 20515

OFFICE OF WATER

Dear Congressman Bishop:

Thank you for your March 7, 2018, letter to the U.S. Environmental Protection Agency's Administrator Scott Pruitt regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination regarding the deposit and the Pebble Limited Partnership's December 2017 Section 404 permit application to the U.S. Army Corps of Engineers to develop a mine at the deposit site. Administrator Pruitt has asked me to respond to you on his behalf.

In your letter you indicate that the Corps will begin development of an Environmental Impact Statement pursuant to the National Environmental Policy Act as part of its review of Pebble's December 2017 Section 404 permit application. You recommend that before taking any further action, the EPA recognize that a permit application has been completed by Pebble and that the Corps is carrying out an EIS process. Your letter also recommends that the EPA monitor the Corps' EIS process and use its findings to help inform any future decision-making regarding the EPA's Section 404(c) action in this case.

Regarding your recommendation that the EPA recognize Pebble's permit application and the Corps' EIS process before any future Section 404(c) decision-making, the EPA recognized both in its January 26, 2018, decision not to withdraw its 2014 Proposed Determination¹. At the time, EPA stated that the decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project. The project proponents continue to enjoy the protection of due process and the right to proceed. Pebble's permit application, which triggered the EIS process, was a factor in the EPA's decision-making.²

Regarding your recommendation that the EPA monitor the Corps' EIS process and use its findings to help inform any future decision-making regarding the EPA's Section 404(c) action in this case, the EPA, at the invitation of the Corps, has agreed to be a cooperating agency in the Corps' EIS process. In addition, now that Pebble has submitted its permit application, under the terms of a settlement agreement³ negotiated with Pebble, EPA Region 10 will not forward a signed Recommended

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³ For more information regarding this May 2017 settlement agreement see: <https://www.epa.gov/bristolbay>

Determination, if such a decision is made, before either May 11, 2021, or until the EPA provides public notice of a final EIS issued by the Corps on Pebble's permit application, whichever comes first.

Because of this forbearance, the factual record regarding Pebble's permit application can develop through the EIS process. Furthermore, the EPA's January 26, 2018, decision states that it will review and consider any relevant information that becomes available to inform future Section 404(c) decisions.

The Bristol Bay watershed supports world-class fishery resources, producing nearly half of the world's sockeye salmon – a resource the Administrator believes is worthy of protection under the express terms of the Clean Water Act. The EPA's Bristol Bay Watershed Assessment evaluated the impacts of the construction and operation of a mine at the Pebble deposit on the watershed's fishery resources based on preliminary mine plans that Pebble submitted to the U.S. Securities and Exchange Commission in 2011. While there are clearly a range of views on the conclusions of the BBWA, the effort did undergo two rounds of independent external peer review as well as two rounds of public comment, which generated more than one million public comments. In January of 2016, after a 17-month in-depth evaluation of the BBWA, the EPA's Office of the Inspector General, which is an independent review body within the EPA, concluded that there was no evidence of bias or a pre-determined outcome, and that the Agency followed all appropriate policies and procedures. The BBWA will be only one of several resources that the Administrator would likely use to make any Final Determination regarding exercise of authority under Section 404(c).

The EPA acknowledges the significant public interest on this issue and remains committed to listening to all stakeholders as the permitting process progresses. Neither the EPA's January 2018 decision nor the previous settlement agreement guarantees or prejudices a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law and process, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

A handwritten signature in black ink that reads "D. Lee Forsgren". The signature is written in a cursive, flowing style.

D. Lee Forsgren
Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2018

The Honorable Paul Gosar
House of Representatives
Washington, D.C. 20515

OFFICE OF WATER

Dear Congressman Gosar:

Thank you for your March 7, 2018, letter to the U.S. Environmental Protection Agency's Administrator Scott Pruitt regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination regarding the deposit and the Pebble Limited Partnership's December 2017 Section 404 permit application to the U.S. Army Corps of Engineers to develop a mine at the deposit site. Administrator Pruitt has asked me to respond to you on his behalf.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lee Forsgren". The signature is fluid and cursive, with a long horizontal stroke at the end.

D. Lee Forsgren
Deputy Assistant Administrator

THAD COCHRAN, MISSISSIPPI, CHAIRMAN

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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

March 19, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

On November 9, 2017, I requested a legal opinion from the Government Accountability Office (GAO) asking whether the EPA's obligation of funds for a contract for a privacy booth in the Administrator's office constituted violations of federal law, in particular, section 710 of the Consolidated Appropriations Act of 2017 and the Antideficiency Act. In accordance with GAO's regular practice, GAO contacted the EPA on December 21, 2017, and requested that the EPA provide factual information and its legal views on this matter by January 23, 2018.

In the weeks that followed, my staff has asked GAO for the status of its legal opinion several times only to be informed that, to date, GAO has yet to receive any information from the EPA despite GAO reaching out to the EPA numerous times. I am alarmed that the EPA has failed – for nearly three months – to cooperate with GAO's requests.

The purpose of the GAO review is to determine if the federal expenditure on the phone booth complied with core federal laws related to proper stewardship of taxpayer dollars. Specifically, the Consolidated Appropriations Act of 2017 conditions the availability of funds for certain expenses associated with the offices of Presidential appointees, such as the EPA Administrator, on a congressional notification requirement. Section 710 of the act provides that, "no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such [individual], or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate."¹

My understanding, based on press reports, is that the EPA obligated in excess of \$5,000 in fiscal year 2017 to contract for a privacy booth for the Administrator's office. In fact, more recent press reports indicate that the total cost of the privacy booth may be as high as \$43,000. In my view, a privacy booth is an improvement to the Administrator's office within the meaning of

¹Pub. L. No. 115-31, Div. E, Tit. VII, General Provisions — Government-wide. As defined by section 710, "the term 'office' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual."

The Honorable Scott Pruitt
March 19, 2018
Page 2

section 710. As such, the availability of funds for such an obligation was contingent upon the EPA providing advance notice to the appropriations committees.

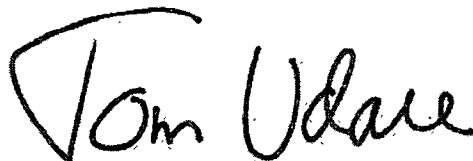
This committee did not receive any such advance notice of the obligation of funds for this contract or any other expenses related to the privacy booth. Without an opportunity to review the required notification, this committee was denied the ability to conduct proper oversight per the intent of section 710 and potentially prevent what I feel was a wasteful and excessive use of taxpayer funds.

Further, in its response to committee and press inquiries, the agency referred to the privacy booth as a "Sensitive Compartmented Information Facility (SCIF)" and justified the obligation as a necessary expense for conducting sensitive agency business. However, the agency communicated to this committee that the privacy booth would not be certified by any national security agency. Further, I understand that the EPA already has at least one fully functioning, certified SCIF and that there are only limited needs for EPA personnel to conduct secure communications. This calls into question if the obligation was a necessary expense associated with the Administrator's official duties related to national security considering that the privacy booth may not be certified to a level at which classified information could even be discussed.

I am concerned that the agency may be misleading the committee and the public about the function of the privacy booth while also inappropriately classifying the expense as related to national security in order to avoid proper notification under section 710.

The American people deserve an open and transparent budget process. Given your role as a public servant and trustee of taxpayer funds, it is your fundamental responsibility to fully cooperate with GAO. I urge you to immediately respond to GAO's requests so that GAO may complete their legal review as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Tom Udall". The signature is stylized with a large, sweeping "T" and a cursive "Udall".

Senator Tom Udall

Ranking Member, Subcommittee on the Department of the
Interior, Environment, and Related Agencies
United States Senate

CC: The Honorable Gene L. Dodaro, Comptroller General of the United States

United States Senate

731 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2204

March 15, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

I write today to request information regarding your agency's implementation of the Buy American Act.¹

The Buy American Act was passed in 1933 in order to help ensure that American tax dollars are spent on products made in America and to promote and protect U.S. workers and industry. However, there are several types of foreign purchases where the Buy American Act is not applicable or where exceptions have been authorized. The Buy American Act also grants federal agencies the ability to waive the requirements of the act in certain circumstances. As a result, billions of American tax dollars are sent overseas every year.

In order to better understand the implementation of the Buy American Act and inform potential legislation, I respectfully request that you provide the following information:

1. The policies and procedures used to implement the Buy American Act and ensure that all procurement contracts are Buy American Act compliant.
2. The details of how your agency tracks the number and dollar value of purchases from foreign entities and the number and dollar value of waivers and exceptions to the Buy American Act and the Trade Agreements Act of 1979 authorized by the agency.
3. The dollar value and number of purchasing actions for all articles, materials, and supplies purchased by the agency. Please provide annual data from Fiscal Year (FY) 2009 through FY 2016, including the total values, those for purchases from domestic entities, and those for purchases from foreign entities.
4. The dollar value and number of purchasing actions for all articles, materials, and supplies in the listed purchase categories. Please provide annual data from FY 2009

¹ 41 U.S.C. § 8301.

through FY 2016, including the total values, those for purchases from domestic entities, and those for purchases from foreign entities:

- a. Automotive
 - b. Electronics
 - c. Aerospace parts and technology
 - d. Furniture
5. The total number and dollar value of all waivers or exceptions to the Buy American Act and the Trade Agreements Act of 1979 authorized for all articles, materials, and supplies. Please provide annual data from FY 2009 through FY 2016.
6. The number and dollar value of all waivers or exceptions to the Buy American Act and the Trade Agreements Act of 1979 authorized for all articles, materials, and supplies in the listed purchase categories. Please provide annual data from FY 2009 through FY 2016:
- a. Automotive
 - b. Electronics
 - c. Aerospace parts and technology
 - d. Furniture

Please provide your responses in writing by March 30, 2018. If you have any questions, please contact Lot Kwarteng of my staff at Lot_Kwarteng@stabenow.senate.gov. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Debbie Stabenow". The signature is fluid and cursive, with a long horizontal stroke at the end.

Debbie Stabenow
United States Senator

TAMMY DUCKWORTH
ILLINOIS

COMMITTEES
ENVIRONMENT AND PUBLIC WORKS
ENERGY AND NATURAL RESOURCES
COMMERCE, SCIENCE,
AND TRANSPORTATION
SMALL BUSINESS
AND ENTREPRENEURSHIP

United States Senate

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SPRINGFIELD, IL 62701
(217) 528-6124

March 16, 2018

Ms. Cathy Stepp
Regional Administrator for Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604-3590

Dear Administrator Stepp:

Thank you for meeting with me last week to discuss critical environmental priorities for the State of Illinois and surrounding Great Lakes States. As you know, Illinoisans depend on the U.S. Environmental Protection Agency (EPA) to protect their environment and safeguard public health. I appreciated the opportunity to discuss how we can work together to strengthen EPA Region 5 and better support the Chicago Office and dedicated Region 5 workforce.

EPA Region 5 boasts talented career civil servants who are committed to EPA's mission and leading experts in their respective fields. As Regional Administrator, I strongly urge you to fully empower this workforce to proactively protect the environment, and when necessary, take decisive action to prevent public health disasters. For example, my constituents in the South Side of Chicago are currently living in communities that are vulnerable to harmful manganese pollution that can lead to permanent neurological disorders.

The threat posed by air-borne manganese pollution is greatest to children, pregnant mothers and nursing infants in Chicago. I was pleased that during our meeting, you shared that EPA Region 5 entered into a consent decree with S.H. Bell on the issue of manganese pollution. This is a positive development for my constituents. However, S.H. Bell is not the sole emitter of manganese. According to EPA's Toxic Release Inventory and National Emissions Inventory, at least 26 other facilities within a 3-mile radius of the company emit manganese.

I remain deeply troubled that EPA failed to take meaningful action following the release of a 2015 EPA study that revealed one facility, Watco Transloading LLC, was discharging 108 ng/m³ of manganese, a level exceeding EPA's public health standards. I strongly urge you to investigate whether Watco Transloading LLC continues to violate the Clean Air Act (CAA) and expect you would take appropriate action if this facility continues to emit dangerous contaminants endangering public health.

I also believe you should take action to reassure EPA Region 5 that you understand and value its critical role in serving the Great Lakes States. To date, EPA Administrator Scott Pruitt has strongly denied any plans or interest in closing the EPA Region 5 Chicago Office or restricting

Letter to Regional Administrator Stepp
March 16, 2018
Page 2 of 2

EPA Regions in a manner that would weaken or eliminate Regions 1, 5 and 9. I take Administrator Pruitt at his word that he will not act on these types of proposals and appreciate that during our conversation, you emphasized your commitment to supporting EPA Region 5 and protecting the Chicago office. I would strongly urge you to also reassure your workforce that EPA will not furlough, separate or seek forced relocations for Region 5 staff.

As we discussed, I understand that Administrator Pruitt has prioritized "cooperative federalism" as the governing policy at EPA and, while I support the notion that local, state and Federal authorities should work efficiently and effectively together, I want to reiterate that there are shortcomings to this policy. If the most recent crisis in Flint, Michigan teaches policymakers anything, it should be that leadership of EPA Region 5 was too deferential to State and local officials who were endangering the health of families. Rather than divert time and energy on seeking to be even more deferential to partners with their own equities, EPA Region 5 leadership should be signaling a commitment to taking decisive emergency action at the Federal level if necessary to protect families in the region.

On a related note, to avoid future lead poisoning disasters in Region 5, I implore you to do everything in your power to push EPA to prioritize finalizing efforts to modernize the Lead and Copper Rule (LCR) to better achieve the purpose and intent of the Safe Drinking Water Act. If EPA continues to accept a weak LCR that does not guarantee drinking water is safe for human consumption, the agency will be complicit in future public health crises. No family should be told to wait and live under the threat of dangerous lead poisoning when EPA could take strong action now to upgrade the LCR and establish rigorous testing and education requirements, robust corrosion control measures and strong enforceable standards.

As a new resident to Illinois, I want to welcome you to our great State and wish you the best in your role as Regional Administrator. EPA Region 5 is one of the most important regions and your work will have a direct impact on the health and well-being of millions of Americans in the Midwest. I hope we can work together to make sure polluters are not endangering the health of Illinois families, the Lead and Copper Rule is significantly strengthened and the dedicated civil servants in Region 5 are provided stability and support to carry out EPA's vital mission.

Sincerely,



Tammy Duckworth
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 18 2018

The Honorable Tammy Duckworth
United States Senate
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for making time to meet with me in your Washington office in March. It was a pleasure to meet you and discuss our priorities regarding Illinois and the Great Lakes. I recently read about the birth of your daughter and wanted to congratulate you and your family.

I appreciate your March 16, 2018 letter following up on our meeting and wanted to address your concerns regarding manganese emissions in southeast Chicago and revisions to the federal Lead and Copper Rule.

Manganese: S.H. Bell and Watco Transloading, LLC

As you know, the U.S. Environmental Protection Agency has been investigating manganese emissions in southeast Chicago for several years. In cooperation with the Illinois Environmental Protection Agency and the City of Chicago's Department of Public Health, over 75 companies in southeast Chicago have been investigated for Clean Air Act compliance since 2014. As a part of that effort, since 2014, EPA Region 5 has inspected the Watco Transloading, LLC facility on four occasions and issued a Section 114 Information Request. To inform the community of EPA Region 5's actions in southeast Chicago, EPA is posting information online at <https://www.epa.gov/il/environmental-issues-southeast-chicago>.

S.H. Bell (SHB) has two facilities in EPA Region 5 states that my office has investigated for manganese emissions: one in Chicago and one in East Liverpool, Ohio. The Consent Decree mentioned in your letter covers the S.H. Bell East Liverpool, Ohio facility. While there is not currently a Consent Decree covering the Chicago facility, EPA Region 5 has a separate, active enforcement case with the SHB Chicago facility. EPA Region 5 issued a Section 114 Information Request on March 4, 2015, requiring the installation of ambient particulate matter monitors at the Chicago facility. SHB refused to install the monitors, and a Stipulated Settlement and Final Consent Order was entered in the United States District Court for the Northern District of Illinois on December 5, 2016 requiring compliance by installing the monitors. The ambient particulate matter monitors were installed and operational on March 1, 2017. The monitors showed elevated manganese concentrations over the Agency for Toxic Substances and Disease Registry (ATSDR) chronic exposure (long-term) manganese inhalation

(MRL) of $0.3 \mu\text{g}/\text{m}^3$. EPA issued a Notice of Violation to SHB on August 7, 2017, based on the manganese data collected at the ambient particulate matter monitors. Since then SHB has taken several corrective actions, including the operation of two permanent and two portable baghouses to control particulate matter including manganese. The most recent, February 2018, monthly manganese emissions data average is $0.051 \mu\text{g}/\text{m}^3$. The rolling average, for the year's worth of data collected is $0.19 \mu\text{g}/\text{m}^3$ Mn (March 2017 – February 2018). SHB continues to monitor ambient particulate matter at the Chicago facility. EPA Region 5 staff continues to evaluate all data collected from the monitors on a monthly basis and provides all data to ATSDR for review.


Cooperative Federalism and the Lead and Copper Rule

As a former head of a state environmental agency where I worked frequently with the governor's office, be assured that I will not hesitate to raise issues with our Region 5 states and ensure that time-critical environmental and health concerns are addressed. Yes, cooperative federalism is an Agency priority – but EPA's reinvigorated efforts to engage with our state partners will not preclude EPA staff and management from elevating emergency issues to me and other leaders, nor from me raising these issues with our states. As you may know, in response to the Flint water crisis, EPA instituted an Agency-Wide Elevation Policy that directs EPA's leadership to encourage prompt and decisive action to address critical public health and environmental concerns. That policy remains in force.

Further, I appreciate your interest in EPA's efforts to improve public health protections provided by the Lead and Copper Rule (LCR). Protecting children from exposure to lead is a top priority for the EPA. The Agency is carefully evaluating potential changes to the existing LCR requirements for corrosion control treatment, lead service line replacement, tap sampling, and public education. EPA has received recommendations from the National Drinking Water Advisory Council and other interested stakeholders regarding revisions to the LCR. In addition, the Agency recently completed an updated federalism consultation with state, tribal, and local government partners to seek their input on the opportunities and challenges to improving public health protection provided by the LCR. The Agency is considering all recommendations and input as we move forward with development of the proposed revisions as expeditiously as possible. EPA Region 5 has been and will continue to be involved in revision efforts.

Again, thank you for your letter if you have further questions, please contact me or your staff may contact Ronna Beckmann or Eileen Deamer, Region 5 Congressional Liaisons, at 312-886-3000.

Sincerely,


Cathy Stepp
Regional Administrator

TAMMY DUCKWORTH
ILLINOIS

COMMITTEES
ENVIRONMENT AND PUBLIC WORKS
ENERGY AND NATURAL RESOURCES
COMMERCE, SCIENCE,
AND TRANSPORTATION
SMALL BUSINESS
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United States Senate

March 16, 2018

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Barry Breen
Principal Deputy Assistant Administrator
Office of Land and Emergency Management
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Washington, DC 20460

Dear Deputy Assistant Administrator Breen:

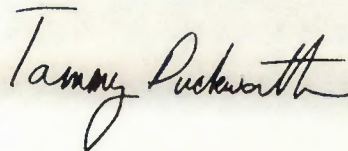
I write in support of the City of Sterling's application to Brownfields Assessment grant program offered by the United States Environmental Protection Agency. Funding from this grant will enable the City to assess, remediate and redevelop an abandoned property on the Rock River into a productive economic element of the community.

The City of Sterling believes that the former Lawrence Brothers factory site, situated directly on the Rock River, has tremendous potential as the southern gateway into the City and redevelopment of this property could serve as a catalyst for future riverfront development. The City acquired the abandoned and dilapidated factory site nearly ten years ago but has been unable to attract serious redevelopment interest due to the unknown environmental issues with the site. Brownfields grant funding can help the City understand and address the environmental concerns posed the former industrial manufacturing plant and bolster significant economic growth in and around Sterling.

As one of my top priorities in the Senate is to ensure Illinois communities have access to critical federal investments, I understand the potential economic and environmental impact that a Brownfields grant can have on the Sterling community. Without grant funding to back this redevelopment, the site will remain at a standstill and the environmental threats posed by the site will grow. Support to facilitate the transformation of this abandoned site into an active and productive property is critical to Sterling.

Please accept this letter of support for the City of Sterling's application to the USEPA's Brownfields Assessment grant program. In keeping with your existing rules and regulations, I urge you to give this application full and fair consideration. Should you have any questions, please contact my Grants Specialist, Dan McManus, at 312.886.3506 or by email at dan_mcmanus@duckworth.senate.gov.

Sincerely,



Tammy Duckworth
United States Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 9 2018

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

The Honorable Tammy Duckworth
United States Senate
Washington, D.C. 20510

Dear Senator Duckworth:

Thank you for your letter of March 16, 2018, to the U.S. Environmental Protection Agency, supporting the brownfields grant proposal from the city of Sterling, Illinois. I appreciate your interest in the Brownfields Program and your support of this proposal.

The Small Business Liability Relief and Brownfields Revitalization Act assists states and communities throughout the country in their efforts to revitalize and reclaim brownfields sites. This program is an excellent example of the success that is possible when people of all points of view work together to improve the environment and their communities.

Last year's application process was highly competitive with the EPA evaluating more than 740 grant proposals. From these proposals, the EPA announced the selection of approximately 280 grants.

The EPA's selection criteria for grant proposals are available in the *Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants (September 2017)*, posted on our brownfields website at www.epa.gov/brownfields. Each proposal will be carefully reviewed and evaluated by a selection panel that applies these objective criteria in this highly competitive program. The grant proposal submitted by the city of Sterling will be given every consideration.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", is written over a horizontal line.

Barry N. Breen
Acting Assistant Administrator

MICHAEL F. BENNET
COLORADO

COMMITTEES
AGRICULTURE, NUTRITION, AND FORESTRY

FINANCE

HEALTH, EDUCATION, LABOR,
AND PENSIONS

United States Senate

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1127 SHERMAN STREET
SUITE 150
DENVER, CO 80203-2398
(303) 455-7600
<http://www.bennet.senate.gov>

March 8, 2017

E. Scott Pruitt, Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OAR-2017-0545

Dear Administrator Pruitt,

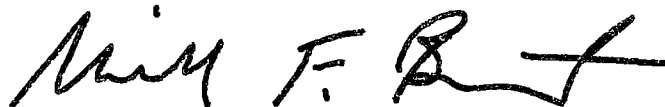
I write to request that the Environmental Protection Agency (EPA) hold public listening sessions in Denver, Colorado, or Grand Junction, Colorado, on the repeal of carbon pollution emission guidelines for existing electric utility generating units.

Energy development is of vital importance to Coloradans, and our state is host to a broad spectrum of energy producers. In 2014, during the drafting of the Clean Power Plan, the EPA held a listening session in Denver, Colorado representing diverse views within the energy sector in addition to many other constituents and stakeholders. We would expect Coloradans to have the same opportunity as part of this new process.

Coloradans deserve to have their concerns and suggestions heard.

Thank you in advance for your attention.

Sincerely,



Michael F. Bennet
U.S. Senator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 17, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Michael F. Bennet
United States Senate
Washington, D.C. 20510

Dear Senator Bennet:

Thank you for your letter of March 8, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, requesting that a public listening session be held in Colorado regarding the proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, also known as the Clean Power Plan (CPP). Your request has been placed in the docket for the rulemaking (EPA-HQ-OAR-2017-0355).

The proposal to repeal the CPP was published on October 16, 2017. As requested, EPA held a public hearing for this proposed action on November 28 and 29, 2017, in Charleston, West Virginia. EPA also held three listening sessions – in Kansas City on February 21, San Francisco on February 28 and Gillette, Wyoming, on March 27 – that provided additional opportunities for the public to present oral testimony to the Agency. We do not intend to hold any additional listening sessions regarding the proposal to repeal the CPP.

However, EPA is accepting public comment until April 26, 2018. And as we work toward proposing a replacement rule, we will review all comments received, and any written statements and supporting information submitted during the public comment period will be considered with the same weight as any oral comments presented at the listening sessions.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Matthew Davis in the EPA's Office of Congressional and Intergovernmental Relations at davis.matthew@epa.gov or at (202) 564-1267.

Sincerely,

A handwritten signature in black ink, which appears to read "W L Wehrum", is positioned below the word "Sincerely,".

William L. Wehrum
Assistant Administrator

MICHAEL C. BURGESS, M.D.
25TH DISTRICT, TEXAS

COMMITTEE ON ENERGY AND COMMERCE
HEALTH
CHAIRMAN

DIGITAL COMMERCE AND CONSUMER PROTECTION
OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON RULES



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www.house.gov/burgess

March 26, 2018

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Room 3426 WJC
Washington, D.C. 20460

Dear Administrator Pruitt,

Title 42 is a special hiring authority granted by Congress to the Department of Health and Human Services (HHS) to hire employees using salaries beyond than the "General Schedule" pay tables. Congress enacted this authority to give HHS the necessary tools to bring in world renowned scientists, doctors, and other experts to conduct public health research. However, Congress unnecessarily extended this authority to the Environmental Protection Agency (EPA) through an appropriations rider in 2006, outside of regular order and the authorizing committees of both the House and Senate.

Under the Obama Administration, Gina McCarthy abused her authority as EPA Administrator and greatly expanded the use of Title 42. The EPA's own Office of Inspector General found that the EPA's justification for using this authority to fill positions was ambiguous and did not demonstrate a need to use Title 42 in some situations. This was unacceptable at the time, and it is not clear that these issues have been resolved.

As a result, I am concerned about the implementation of this authority by the EPA. The authority to extend Title 42 to the EPA was never authorized through Congress, but funded through an appropriations rider. I have great respect and appreciation for the work you have done in reining in the EPA's overreach that your predecessor directed. The EPA should not designate anyone under this program without authorization from Congress. If EPA hiring under Title 42 continues without Congressional approval, I feel it is appropriate to end the program. I look forward to working with you to resolve Title 42 hiring authorities for the EPA. Please respond with your intention regarding the future of this program.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Burgess".

Michael C. Burgess, M.D.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 19 2018

Office of
Research and Development

The Honorable Michael C. Burgess
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Burgess:

Thank you for your March 26, 2018 letter regarding the U.S. Environmental Protection Agency's (EPA) use of the Title 42 authority.

The Title 42 authority provides EPA with an important tool to make the critical workforce investments needed to accomplish its mission to protect human health and the environment. It allows EPA's Office of Research and Development (ORD) to nimbly respond to changing priorities and organizational needs of EPA programs and regions, as well as its state partners. These needs include areas such as implementing the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

Congress granted EPA Title 42 authority in 2006 under the Bush Administration's Management Agenda to provide the Agency with tools to recruit, retain, and reward a high-quality, results-oriented workforce. This authority provided EPA with a way to compete for top scientific talent with other government organizations, private industry and academia. The need to compete for this talent was critical at the time, and remains critical today. The use of the Title 42 authority also directly responded to Government Accountability Office (GAO) and other reports that highlighted the need for top scientific talent in order for EPA to accomplish its mission. Congress believed that EPA needs a competitive hiring authority in order to bring in work renowned scientists and other experts to conduct environmental and public health research. Congress re-affirmed this need over the years by passing extensions and expansions to EPA's Title 42 authority: in 2009 Congress modified EPA's authority from five hires in a year to 30 at any one time; in 2010 Congress extended the authority from FY2011 to FY2015; in 2014 Congress expanded the authority to 50 people at any one time; and in 2015 Congress extended EPA's authority to FY2020.

Employees hired under the Title 42 authority have made significant impacts on EPA's ability to protect human health and the environment. For example, Title 42 employees played a critical role in the development of new tools to integrate advances in biology, biotechnology, chemistry, and computer science to more efficiently test chemicals. These tools allowed EPA to screen approximately 2,000 chemicals for endocrine disrupting potential over the course of four years compared to 70 chemicals in 15 years, and for a lower total cost. Title 42 employees led research that made important discoveries regarding the impact of poor air quality on cardiovascular health, which has helped protect the health of people at risk from the negative health effects associated with exposure to air pollutants, particularly the 25 million Americans who have experienced coronary heart disease, heart failure, or strokes. Title 42 employees led the development of a new mobile application for people impacted by wildfire smoke.

The "Smoke Sense" app provides information on air quality and ways to protect people from smoke exposure. In addition, Title 42 employees have played a key role in developing tools and models to help municipalities advance water quality in their communities including evaluating the for safe water reuse.

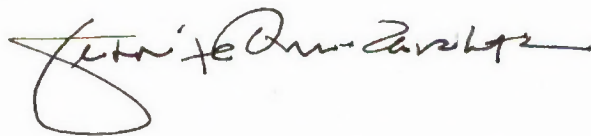
Title 42 employees are playing a critical role in meeting the important deadlines in the Frank R. Lautenberg Chemical Safety for the 21st Century Act. This role includes developing the data, methods, and decision tools for regulatory actions on thousands of un-characterized chemicals of concern. EPA would not have been able to obtain employees with this critical expertise if it were not for the Title 42 authority.

The Agency's use of the Title 42 authority has been extensively reviewed by the National Academies of Science (NAS), the GAO, and EPA's Office of Inspector General (OIG). Each of these reviews has highlighted that EPA has a rigorous process for hiring Title 42 employees and continually makes improvements to its program based on these reviews and ongoing internal evaluations. The 2010 NAS report commended EPA's prudent management of its Title 42 authority and concluded that no other hiring mechanism or authority available to EPA serves the function of Title 42 to recruit and retain top-tier talent. NAS observed that Title 42 is helping EPA achieve its mission, identify and hire outstanding candidates, and retain top scientists, and it noted how Title 42 has enabled EPA to build new capacity and advance the state of science. The 2012 GAO report found that EPA has followed its policies and guidance in operating its Title 42 program, recognized how the *EPA Title 42 Operations Manual* provides guidance for managers, supervisors, and human resources specialists on implementing the Title 42 program, and that the Agency incorporated modifications to its policy and guidance based on the recommendations made by the NAS report. The OIG, in 2015, recognized that EPA had developed a rigorous, in-depth process for hiring high-quality scientists and science leaders through its Title 42 authority. Further, the OIG found no instances of impropriety or mismanagement in the Title 42 program.

In conclusion, EPA's use of the Title 42 authority helps advance EPA's mission and allows flexibility in EPA's scientific workforce to address the nation's various pressing environmental problems, and increases EPA's ability to provide state, tribal, and local partners with the high quality scientific tools and information needed to protect air, land, and water.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at moody.christina@epa.gov or (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Orme-Zavaleta", with a large, stylized loop at the end.

Jennifer Orme-Zavaleta, Ph.D.
Principle Deputy Assistant Administrator for
Science, Office of Research and Development

Congress of the United States
Washington, DC 20515

March 27, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

We stand with you and welcome your continued efforts to streamline environmental regulations and repeal onerous and overreaching rules that the previous administration pushed through which hurt American industry. However, we write to raise concerns with the EPA's proposed rule for repeal of emission requirements for glider vehicles, glider engines, and glider kits. We believe that repealing those requirements will undermine the significant investments made by United States job creators and manufacturers.

We have seen what happens when overreaching and even illegal regulations are issued that go against the intent of the Clean Air Act. Regulations issued under the Clean Air Act must not exceed the authority Congress has provided. We believe that EPA still has the ability to work within this authority of the Clean Air Act to implement clear, concise, and straightforward rules regarding emissions from gliders. Eliminating this rule also runs the risk that a court would impose requirements beyond what the previous administration negotiated with industry, which could undermine the remanufacturing and rebuilding industries resulting in the loss of countless jobs across the United States.

We respectfully ask that you carefully consider the negative impacts if the authority to implement reasonable regulation of gliders is now repealed.

Sincerely,



Mark Sanford
Member of Congress



Evan Jenkins
Member of Congress



Larry Bucshon, M.D.
Member of Congress



Susan W. Brooks
Member of Congress

Congress of the United States
Washington, DC 20515



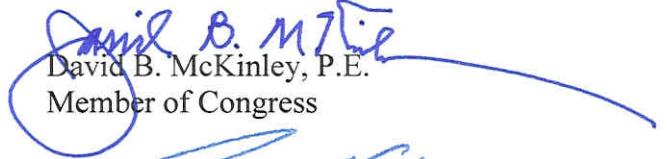
David Rouzer
Member of Congress



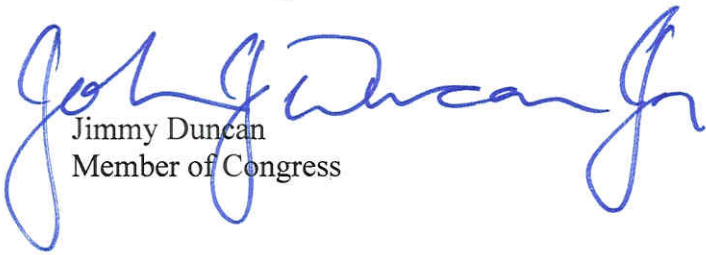
David Valadao
Member of Congress



Tom Emmer
Member of Congress



David B. McKinley, P.E.
Member of Congress



Jimmy Duncan
Member of Congress



Trey Hollingsworth
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Mark Sanford
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Sanford:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read "W L Wehrum", is positioned above the printed name.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Evan Jenkins
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Jenkins:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyl in EPA's Office of Congressional and Intergovernmental Relations at thundiyl.karen@epa.gov or 202-564-1142.

Sincerely,

A handwritten signature in black ink, which appears to read "W L Wehrum", is positioned above the printed name.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Larry Bucshon, M.D.
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Bucshon:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

A handwritten signature in dark ink, appearing to read "W L Wehrum", is positioned above the typed name.

William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Susan W. Brooks
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Brooks:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable David Rouzer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Rouzer:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

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Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable David G. Valadao
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Valadao:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Tom Emmer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Emmer:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable David B. McKinley, P.E.
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McKinley:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable John J. Duncan
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Duncan:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyl in EPA's Office of Congressional and Intergovernmental Relations at thundiyl.karen@epa.gov or 202-564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 19, 2018

OFFICE OF
AIR AND RADIATION

The Honorable Trey Hollingsworth
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Hollingsworth:

Thank you for your letter of March 27, 2018, to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, regarding your concerns with the proposed repeal of emission requirements for glider vehicles, glider engines and glider kits. The Administrator asked me to respond on his behalf.

The Agency takes very seriously the impacts of regulatory changes on businesses and communities throughout the United States, and we are aware of the importance of regulatory certainty for the heavy-duty truck industry. We received thousands of comments on our proposal, many of which shared your concerns about potential adverse impacts on businesses outside of the glider industry. We are currently reviewing the comments to determine the appropriate next steps for this rulemaking. We have added your letter to the rulemaking docket, where it will be part of the public record.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or 202-564-1142.

Sincerely,

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William L. Wehrum
Assistant Administrator

RAJA KRISHNAMOORTHY
8TH DISTRICT, ILLINOIS

515 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

TELEPHONE: (202) 225-3711
FAX: (202) 225-7830

1701 EAST WOODFIELD ROAD, SUITE 704
SCHAUMBURG, IL 60173

TELEPHONE: (847) 413-1959
FAX: (847) 413-1965

www.krishnamoorthi.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON
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SUBCOMMITTEES:
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SUBCOMMITTEES:
HIGHER EDUCATION AND
WORKFORCE DEVELOPMENT
WORKFORCE PROTECTIONS

March 6, 2018

Administrator Scott Pruitt
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt,

On March 5th, the *Associated Press* reported that EPA Deputy Associate Administrator of Public Affairs, John Konkus, was granted permission to earn outside money as a private consultant while simultaneously working as one of your key aides.^[1] Importantly, in August, an EPA ethics lawyer noted that Konkus' outside contracts presented a "financial conflict of interest" to the agency. Unfortunately, you have thus far chosen to withhold the names of the clients who receive the benefits of Konkus' private consulting while he is concurrently responsible for signing off on hundreds of millions of dollars in federal grants.

As a federal employee, John Konkus earns a taxpayer-funded salary of approximately \$145,000 per year. If you are going to permit federal employees to receive a side salary as consultants, it is imperative that you disclose the names of their clients to the American people who are responsible for paying their salaries. Taxpayers trust that our federal agencies will act with the utmost integrity and fairness, and it is critical that all are transparent about any consulting work that might be deemed as a conflict of interest.

The EPA has an obligation disclose to the public any private consulting work that is conducted by its own federal employees. Specifically, I respectfully request that you make public the clients that Deputy Associate Administrator Konkus has consulted on behalf of while working for the EPA.

Please disclose this information to the public within the next ten days. If you are unable to do so, please provide a date at which time this information will be available.

Sincerely,



Raja Krishnamoorthi
Member of Congress

^[1] Biesecker, Michael. "EPA Appointee Gets Approval to Consult for Outside Clients." *The Associated Press*, 5 Mar. 2018.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUN 25 2018

OFFICE OF
GENERAL COUNSEL

The Honorable Raja Krishnamoorthi
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Krishnamoorthi:

Thank you for your letter of March 6, 2018, to Administrator E. Scott Pruitt, regarding the outside activity approval granted to John Konkus. As the Designated Agency Ethics Official for the United States Environmental Protection Agency, I am writing on behalf of the Administrator.

Upon entering federal service, Mr. Konkus received new employee ethics training as required by 5 C.F.R. § 2638.304. My staff advised him that if he wanted to engage in any outside activity, compensated or otherwise, he would need to seek approval of that activity from the EPA's Ethics Office.

Nothing in the federal ethics regulations prohibit employees outright from compensated or uncompensated outside employment or activities. Rather, the federal ethics regulations remind employees that they may need to seek approval from an ethics official in advance (*see* 5 C.F.R. § 2635.803) and that they cannot be approved for any outside activity that directly conflicts with their official duties (*see* 5 C.F.R. § 2635.802).

Mr. Konkus appropriately sought approval of his outside activity in advance as required by 5 C.F.R. § 2635.803 and 5 C.F.R. § 6401.103. As stated clearly in the enclosed approval, he was reminded, *inter alia*, that he cannot use EPA equipment, time or resources in furtherance of any compensated outside activity and should refrain from using such resources even in connection with uncompensated outside activity. He was advised that, as a federal employee, he is subject to the representational conflict of interest statutes at 18 U.S.C. §§ 203 and 205. The EPA Ethics Office has no reason to believe that Mr. Konkus failed to abide by the outside activity ethics

advice he received. In fact, even though Mr. Konkus sought prior approval as required, he did not perform any services for the outside firm at all. Moreover, he has rescinded his request for future outside activity.

Thank you for your letter. If you have further questions, please contact me, or your staff may contact Kristien Knapp in the Office of Congressional and Intergovernmental Relations at (202) 564-3277 or Knapp.Kristien@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'K S Minoli', with a horizontal line extending from the end.

Kevin S. Minoli
Designated Agency Ethics Official
and Principal Deputy General Counsel

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

AUG 1 - 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Approval of Outside Activity

FROM: Justina Fugh *Justina Fugh*
Alternate Designated Agency Ethics Official

TO: John Konkus
Deputy Associate Administrator
Office of Public Affairs

I have received your request to engage in outside activity for compensation. You wish to take on clients to advise about strategy, mail and media production. You have two likely clients now (Jamestown Associates and a Florida State Representative), and anticipate getting more clients in the next six months.

You are a Schedule C appointee and, as such, are subject to an outside earned income limitation set forth at 5 CFR 2635.804. This restriction does apply to Schedule C appointees, as explained at 5 CFR 2636.301(a)(3). For 2017, you cannot earn more than \$27,765 in your outside activity. The restriction also prevents you from accepting compensation for "practicing a profession which involves a fiduciary relationship; affiliating with or being employed by a firm or other entity which provides professional services involving a fiduciary relationship; serving as an officer or member of the board of any association, corporation or other entity; or teaching without prior approval." 5 CFR 2635.804(b). We have determined that providing consultative media advice is not a fiduciary role, and you will be providing those services directly as opposed to through any corporation.

Based on the information you have provided, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties. As your consulting duties will remain the same, just inform me of any new clients so that I can advise you about any additional conflicts issues if they arise.

I have set forth below a reminder about several ethics principles:

Financial Conflicts of Interest

Because you will be compensated by the clients, you have a financial conflict of interest with both of them. You cannot participate in your EPA duties in any matter that will have a direct and predictable financial effect upon your outside clients. You cannot work on particular matters that involve your clients as a specific party nor can you work on particular matters of general applicability.

You will need to report the consulting work and gross income on your next financial disclosure report in Part 2.

Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. See 18 U.S.C. §§ 203 and 205. You cannot contact the US government on behalf of Saint Luke Solutions LLC or any of your clients.

* * * * *

As always, if you have any questions, please feel free to contact me at 564-1786.